

Posted: Friday, October 14, 2016

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a SPECIAL meeting on
MONDAY, OCTOBER 17, 2016 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

CLOSED SESSION BEGINS AT 5:30PM

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
 - 1. *Conference with legal counsel regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)*
 - 2. *Conference with legal counsel regarding potential litigation. Claim for damages against the City by Reinman and Covney. Pursuant to California Government Code section 54956.9(a), 95*
- IV. **RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES – September 14, 2016 cc**
- VII. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VIII. **STAFF REPORTS**
- IX. **ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- X. **CONSENT AGENDA - (Council Members can move any Consent Agenda Item to the Action Agenda)**
 - 1. Financial Status Reports for August 2016.
 - 2. Law Enforcement Activity Report – September 2016
 - 3. Proclamation in Recognition of Domestic Violence Awareness Month, October 2016.
 - 4. Approval of Consultant Scope of Services for Ocean Protection Council Citywide Low Impact Development Grant Project with City Engineer GHD.
 - 5. Planning Commission Vacancy Notice
 - 6. Van Wycke Trail Update
- XII. **DISCUSSION/ACTION AGENDA ITEMS**
 - 1. Presentation/Discussion with Humboldt County Sheriff representatives regarding Measure Z funding and Public Safety .
 - 2. Discussion/Decision regarding Claims Against the City by Reinman and Covney.
 - 3. First Reading of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.
 - 4. Discussion/Decision regarding Ordinance updates and priorities.
- X. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

SEPTEMBER 14, 2016 CC

Supporting Documentation follows with: 9 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 2016

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 6:00PM. Council members in attendance: West, Fulkerson, Miller, Baker. **Tissot was absent.**
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Baker) to approve the agenda. Passed 4-0.

VI. APPROVAL OF MINUTES – August 10, 2016 cc, August 23, 2016 scc

Motion (Fulkerson/Baker) to approve the minutes as written. Passed 4-0.

VII. COUNCIL MEMBER REPORTS

Fulkerson: RREDC update, Coastal National Monument lobbying effort, and asked that the City consider banning drones and fireworks within city limits.

Miller: RCEA community choice aggregate program, now referred to as Community Choice Energy program. Pewetole Island Fire status, and Coastal National Monument/BLM signage survey update.

VIII. STAFF REPORTS:

City Manager Berman submitted a report to the City Council at the meeting highlighting various accomplishments and project status for the month; *Stormwater Grant Update, Clean Beaches Septic Grant Update, Water Plant Assessment, etc.*

IX. ITEMS FROM THE FLOOR

Tom Odom – Trinidad

Requested a copy of the city trail maintenance schedule to find out when the Wagner Street Trail would be cleared. Also requested that the Town Hall entry doors be reviewed for ADA accessibility.

Kathleen Lake – Trinidad

Cited numerous complaints/grievances with the City, including, 1) Fish Festival traffic complaint with regard to impact to Ocean Avenue, 2) Complaint about not getting responses to numerous complaints filed with the City, 3) Complaint about a wedding ceremony witnessed at beach near Trinidad Head, and 4) Compliant about the definition of a single family dwelling in the VDU/STR Ordinance.

Jack Nounan – Trinidad

Forest Defender/Klamath Crisis Defender. Thanked friends for attending tonight's meeting in support of climate change activism and awareness related to Green Diamond timber harvest practices.

Dorothy Cox – Trinidad

Requested notification of neighboring VDU's that are not active, as well as the active ones..

Ellen Taylor – Petrolia

Echoed Jack Nounan's comments. Climate change is real. Timber harvesting should not be allowed anymore. No clearcutting.

Steve Ruth – Trinidad

Concerned with no response from the City regarding public view protection on Edwards Street. Asked that this issue be placed on the first Council meeting agenda following the November election.

Eva Bisto – Arcata/Trinidad Forest Lover

Preserve the redwoods. Cited article regarding redwoods and their relationship to offsetting global warming. Sequestering carbon is the answer to climate change. Hope Trinidad pursues true green resources.

Pat Morales – Trinidad

Regarding TVFD agenda item, where are the plans? Has the public had the opportunity to see them? This item should be delayed till the plans are made public.

Walt McNeill – Redding Attorney

Representing a number of VDU's and a few personal clients. Announced that his office submitted damage claims to the City today for 2 residents that were required to cease operation of legal, non-conforming vacation rentals last year as a result of the VDU ordinance. Always open to discussing settlement. Would hate to have to see this issue litigated.

Alan Grau – Trinidad

Complaint about the City Planner.

Jim Cuthbertson – Trinidad

The City approved a complaint process a few years ago. People should be using it.

Gork Burns – Arcata/Trinidad Forest Lover

Read a poem written about trees and climate change.

X. CONSENT AGENDA

1. Financial Status Reports for July 2016.
2. Proclamation in Recognition of LGBT Awareness Month, September 2016
3. Declaration of City Council Nominees for Public Office for the November 2016 Election.
4. Approve Amendment to Contract for Firehouse Expansion Plans
5. Approve Proposal for Luffenholtz Creek Flow Monitoring

Motion (Baker/West) to approve the consent agenda as written. Passed 4-0.

XI. DISCUSSION/ACTION AGENDA:

1. Presentation from the County of Humboldt regarding Ballot Measure S, the Local Commercial Marijuana Cultivation Tax
County of Humboldt CAO **Amy Nielsen** introduced and presented County Measure S to be placed on the November ballot, requiring a simple majority vote to pass.

Council comments included:

Baker: Will this initiative be pending the recreational statewide initiative outcome? **Nielsen** responded, confirming that the measure covers both commercial medicinal and recreational growers and will become effective January 01, 2017.

There were no written comments submitted by the public regarding this item.

No decision was made. Presentation item only.

2. Van Wycke Trail Project - Update and Authorize Initial GHD Scope

Councilmember **Fulkerson** recused herself from the discussion due to the conflict she has as an adjacent property owner to the project area.

City Manager Berman explained that the Van Wycke Trail needs significant work, most notably where the underlying bluff is steadily failing and eroding the trail along with adjoining properties. The City has supported small-scale repairs, funded feasibility and engineering studies and geological assessments, and sought external funding over many years. In early 2016 the City received notice that our second attempt at securing a Department of Transportation (Caltrans) Active Transportation Program grant was successful in

the amount of \$714,000. However it was only last month (August 2016) that we were allocated an initial \$35,000 allowing us to start work under the grant.

Staff will make a brief presentation outlining the current plans and schedule for this project. Staff and the Contract City Engineer, GHD are planning an open house Town Hall meeting to facilitate community input and discussion, and will return to the Council for discussion after that step.

The studies completed to date support a retaining wall approach to stabilize the failing section of trail. This is what was proposed in the grant. A possible alternative approach is a pedestrian bridge spanning the failing section, but this has not been explored in detail yet.

In order to get started, staff is recommending the Council authorize an initial Scope of Services with GHD, Inc. for the project, not to exceed \$10,000. The cost for the services will be reimbursed by the Caltrans Active Transportation Program funding.

Mayor Miller explained that this is a very general presentation, and that the Council is being asked for initial funds to explore design, function, etc. of the proposed improvements. Many further opportunities for public input will be available in the future as the concepts develop.

Public comment included:

Pat Morales – Trinidad

There was an emergency agenda item in May 2015 for funding the Van Wycke Trail project. There was a summary provided at that time, but no detailed plans. Why weren't the plans included in tonight's meeting packet? Last minute rushing is not an excuse. Key information was not included, and I believe this could be a violation of the Brown Act.

Pat Morales – Trinidad (given permission by the Mayor to read a letter on behalf of another resident) Questioned the repair concepts, desires for city easements, and opposed retaining wall construction. Supports the bridge option, but no concrete. A 4' wide trail is plenty.

Jim Cuthbertson – Trinidad

Engineers will take advantage of every dime they can get. A bridge won't fix the problem. Fix the bluff.

Sungnome Madrone – Trinidad Area

I built the most recent retaining wall on the trail. It was designed to move and fail with bluff movement. The City has only spent approximately \$12,000 in the last 30 years or so on that trail. It can be modified and sufficient without an 8' bike path.

Steve Ruth – Trinidad

Vegetation can have both stabilizing and destabilizing affects on the bluff. The Van Wycke trail is one of the most important trails in the system and should be preserved. My neighbor leverages clearing obstructing trees in our viewshed with granting easement over her property for this trail.

Kelly Saunders – Trinidad

What are the implications for the Tsurai Ancestral Society? How will improvements to this trail impact the trail leading down to the marina at the foot of Galindo? I hope this will be part of the conversation.

Kathleen Lake – Trinidad

Horrified with the thought of an 8' wide concrete trail and bike path. The project should be modified and constructed appropriately.

Julie Fulkerson – Trinidad

This is not my trail. The concepts need work. Shocked (and worried) to hear of an 8' wide path. My discussions are about the future, not about Caltrans design standards. Looking forward to future discussions on this topic.

Dorothy Cox – Trinidad

What is happening with the Lighthouse Trail? It is a major liability.

Written comments submitted included:

Sarah Lindgren-Akana: Objected to the proposed project in 2015, and requested an update and more info at this time.

Council comments included:

West: I can't support an 8' wide concrete trail. I can move forward with improvements, as long as the plans can be modified.

Baker: I'd like to see part of the \$10,000 go to an objective, facilitated design meeting. Can we spend the money and get reimbursed if our agreed to proceed design isn't approved by Caltrans? I'm ok with authorizing the manager to move forward under this condition and with community support.

*Motion (Baker/West) to receive presentation and authorize City Manager to sign a scope of services with GHD, Inc. to start work on the Van Wycke Trail Project. **Passed 3-0. (Fulkerson recused, Tissot absent)***

3. Update and Discussion on Wagner St. Trail and related Judgments and Settlements

City Manager Berman explained the long history of disputes regarding the Wagner Street Trail, especially with regard to the access to the trail over private property off of Wagner Street. Litigation expenses related to this issue have been significant for the City over the years.

In late 2014 the City requested that the Coastal Commission take the lead in evaluating and addressing claims that Coastal Act enforcement was needed regarding the Wagner Street Trail. Coastal Commission staff have indicated that they agree that there are problems, and have been actively working with John Frame to address those issues. The bollard posts in the trail entrance have been removed, but other issues have not been resolved. At last discussion, the Commission staff was hoping to come to agreement with Mr. Frame, but was considering recommending enforcement action if an agreement was not reached. City Staff are awaiting a response from Commission staff and hope to have a current update at our meeting. City staff have consistently requested engagement and participation in whatever resolution is developed, as the City will likely be involved in implementing whatever is decided.

The City, Mr. Frame, and the Coastal Commission are parties to a 2005 settlement (as well as earlier court judgments) that require specific actions and conditions. The 2005 Settlement puts specific requirements on all parties. The City has received regular complaints that the agreements are not being honored in full by either the City or Mr. Frame. A 2008 City Manager memo summarizes the overall situation as well as the 2005 and prior agreements.

Current Notes on City Responsibilities

Vegetation: The City has not been doing any vegetation maintenance south of the trail in recent years, and it has grown up to impact views from portions of the trail. The City has recently received support from the Coastal Conservancy and the Isurui Ancestral Society to go ahead with vegetation trimming as described in the 2005 Settlement. Staff anticipates hiring the CCC, or tribal CCC, to accomplish that work.

Signage: City staff would like to implement limited additional signage marking the Wagner Street access to the trail, consistent with the other secondary trails to Old Home Beach as called for in the settlement agreement. The 4x4 wooden post trail markers used elsewhere in the City are not in place for the Wagner Street trail. Signage, both City and private, is a topic of dispute that the Coastal Commission and Mr. Frame are discussing, and staff awaits that resolution before proceeding.

City Manager Berman recommended not taking any immediate action as Mr. Cuthbertson suggests. He recommended, however, to wait for Coastal Commission to provide resolution on issues they're working on first.

Public comment included:

Jim Cuthbertson – Trinidad

I'm tired of this situation and want action. The City should be maintaining the trail and the directional signs should be installed. Provided a brief history on the lawsuits and settlement agreements.

Steve Ruth – Trinidad

The Coastal Commission's mission is to maintain and preserve coastal access. My complaint regarding vegetation and views is the same as Mr. Cuthbertson's complaint regarding public access.

John Frame – Trinidad

I suggest the Council read the 1994 Stipulated Judgement. There were no sign posts mentioned. I would also warn the Council that cutting along the Wagner Street Trail will require encroaching on the Tsurai Study Area. That will require consultation with the Tsurai Ancestral Society.

Written comments submitted included:

Sarah Lindgren-Akana: Objected to vegetation cutting along TSA due to Management Plan negotiations and concerns.

Council comment included:

Fulkerson: Is there really a problem? Can we trim the vegetation to improve the vistas from the trail?

City Attorney Stunich asked to look at the documents before advising, but for now suggested the Council accept the City Manager's recommendations.

Baker: Not interested in initiating any further litigation issues. Asked City Manager to investigate the matter further.

Motion (West/Baker) to 1) follow up with vegetation cutting/maintenance schedules, 2) trail markers and signage, and 3) Coastal Commission progress and consultation and return with an update to a future meeting. Passed 4-0.

4. Discussion/Decision (Continued) regarding Amending Ordinance 2014-01, the City of Trinidad Vacation Dwelling Unit (VDU) Ordinance.

City Manager Berman explained that the Council has provided direction on most of the key issues to be addressed in the planned revised Short Term Rental Ordinance. At the last meeting the Council appointed Mayor Miller and Councilmember Baker to meet as an ad-hoc committee to continue work on the detailed language. Their efforts, with staff assistance, are reflected in the attached current draft Ordinance. Legal review is ongoing. The remaining issues are highlighted below.

Schedule and Process for Adoption

Ordinances require two public Council meetings for adoption once the language is final: introduction and first reading, followed by a second reading and adoption at a regular meeting at least five days later.

Staff hopes to get sufficient direction at the September meeting to finalize the draft Ordinance, allow for final legal review, and conduct the first reading at a meeting on or before the October 12th meeting. That would result in the second reading and adoption opportunity in October as well. The ordinance will then be submitted to the Coastal Commission for their review before taking effect. If that process results in amendments, the amended version will need to again be adopted by the Council.

Remaining Issues:

Preamble and Findings: Our City Attorney is actively developing language for this. I expect a revised version by the time of our meeting.

Limiting any one property owner to a single STR License: The Council has indicated support for this, but it was not explicit if the Council wanted this requirement to apply only to new licenses, or to apply it to existing licenses. In the latter case, two current owners would be unable to renew all but one of their licenses. There are currently two owners this would affect, one with three homes with licenses and one with two homes with licenses.

Our City Attorney has been clear that changes which result in the loss of existing licenses are more likely to lead us into legal challenges, and that if challenged, the City's justification for new regulations has to meet a higher standard when we are affecting existing operations than where we are setting standards for future

licenses. Staff therefore recommends that this requirement apply to new licenses, but not pre-existing licenses, similar to the buffer distance and the cap.

Staff also recommends (as reflected in the current Ordinance) that Homeshare STRs not be considered in this requirement, so that a property owner could operate a Homeshare STR in their own home, and have a separate 'regular' STR license at another property. This is consistent with the idea that the Homeshare option is distinct from typical un-hosted STRs.

Minimum Activity Requirement: The Council and Planning Commission have indicated support for a 60 night minimum requirement per year. The Committee discussed the potential downside of this requirement being impractical for long term residents who primarily reside in their home, but do operate an STR on a limited basis. These people do not qualify as a Homeshare because they rent the entire house while they are away, but not more than 60 nights a year.

There are a couple of ways this could be addressed if desired.

- i. A reduced minimum activity requirement where the property is also the primary residence of the owner. A 20 night minimum was discussed by the Committee.
- ii. Applying this to new licenses, and not 'pre-existing' licenses. This would allow the few existing residents in this situation to continue. But would not allow a small scale (< 60 nights) for anyone new, unless they were a Homeshare.
- iii. Pacific Grove takes a different approach of applying separate rules to STRs that operate on a small scale, i.e. less than 20 nights a year. Similar to what we are proposing for 'Homeshare' STRs. So for instance STRs that operate less than X nights a year (20?) could be exempt from certain provisions of the ordinance, like the minimum activity requirement. This path would create effectively three classes of STRs – Homeshares, limited use STRs, and 'regular' STRs, with different requirements for each.

If the Council wants to consider revising this, Staff lean towards the first option above, a lower minimum activity requirement for people in their own home. The third option would complicate things by creating three different 'classes' of STR licenses.

Parking Issues: The Committee considered whether it would be feasible to limit the total number of cars, similar to how we are limiting the number of guests. The reduction in occupancy and in total guests will help address parking issues. The Committee members may have more to share on this.

Staff's recommendation is that recurring parking problems be addressed on a case by case basis. If occupant and guest cars are consistently parking illegally, the City can limit occupancy down until the problem is resolved. If the City chooses at some point to consider a permit parking system, it would make it much easier to address this issue by limiting parking permits. As long as most of the streets are public parking, it is very difficult to proscribe who can use those parking places.

Homeshare STRs: Staff suggest that where the Ordinance provides that the Council shall set fees for STR licenses, it may need to be explicit that the fee structure may treat Homeshare STRs differently than 'regular' STRs. As noted above, the 'one STR license per owner' requirement may not be appropriate for Homeshare STRs.

Violations and Fines: The Committee supports setting fines for significant violations of the ordinance, to be levied against the license holder (owner) in the range of \$150 for a first offence and \$300 for subsequent offences, with the clock reset after a year without a significant violation.

Of course the entire Ordinance remains open for discussion. If the Council moves through the issues above quickly, time will be well spent working front to back through the Ordinance.

Council questions/opening comments:

Miller: Expressed concern regarding 1-VDU per parcel in light of the damage claims submitted by Attorney McNeill earlier today.

Public comment included:

Kathleen Lake – Trinidad

Read from a prepared statement, submitted as part of the meeting record. Appreciate enforcement amendments, but concerned about the draft preamble which she has not seen yet. Also concerned that the City Manager stated that nothing had been agreed to yet, but heard tonight that 95% of the ordinance is complete. I would not vote for a cap. It restricts others and is not fair. The City doesn't have the infrastructure to enforce the industry.

Kathleen Lake (permission to read a prepared statement submitted by resident Adora King)

Requested removal of vacation rentals on Wagner Street due to lack of parking and high occupancy.

Alan Grau – Trinidad

Don't rush or we'll be back doing this all over again. Made various comparisons between San Luis Obispo and Trinidad STR policies. Disappointed that the 100 foot buffer zone was shot down by the Council. The new proposal for no shared boundary between vacation rentals is disturbing.

Tom Davies – Trinidad

Defined "family". Why is the Council considering a change to the 1-VDU per parcel that is being challenged by a property owner? It was unanimously approved. Why hasn't it been given the same treatment as the Van Wycke trail discussion as proposed by Baker (objective, facilitated meeting)? This is unfair. People contributing and living here are having their rights taken away. What about those of us who reside here permanently but want to rent our homes for a few months each summer?

Planner Trevor Parker explained that the ordinance differentiates between homeshares and everything else. A resident leaving town for the summer is expected to rent a minimum of 60 days if they have a VDU license. You can, however, 1 time each year, rent for 30 or less days without a license (1 rental contract/year). Under that situation the owner must still pay occupancy tax.

Patti Fleschner – Trinidad

For clarification, the Van Wycke Trail is grant funded. We have a very capable Mayor, Council, and Staff that attend meetings and facilitate them quite well. Everyone has had numerous opportunities to speak. Why would we hire a facilitator?

Steve Ruth – Trinidad

I agree with the maximum rental nights if you have a STR license. Existing STR's should be grandfathered in.

Walt McNeill – Redding Attorney representing "PORT"

I've been coming to Trinidad for almost 25 years. Pre-existing non-conforming uses should be allowed, or grandfathered in before the current ordinance is approved. The City does not need this ordinance. It needs a robust nuisance abatement ordinance and better enforcement. Focus on complaints. The worst offender is the non-transferability clause. Homeowner is not defined. Why should there be a buffer, or contiguous STR's? That makes no sense? Imposing a lottery is irrational. Look at a workable nuisance ordinance that will help the town in general.

Laura Scott - Trinidad

Encourage the Council to ignore the PORT attorney. 1-VDU/parcel should be upheld. Resident property owners should not be ignored. Existing VDU owners should be given a specified timeline to comply. Homeshares should require resident onsite. Haste makes waste.

Dorothy Cox – Trinidad

Supports 1-VDU/parcel. It has made a big difference on Ocean Avenue. Also supports 1 VDU/owner.

Written correspondence included:

Jonna Kitchen – Trinidad

Written supports and concerns regarding proposed amendments.

Susan Rotwein – Trinidad

Written supports and concerns regarding proposed amendments.

Council comments included:

Miller: We won't discuss the preamble tonight. Asked Staff to post it to the city website and add it to a future agenda packet for discussion.

1-VDU/STR per Owner

Attorney Stunich suggested that the current owners be grandfathered in, but restricting to 1-VDU/STR per owner for any new licenses issued in the future. He explained that taking away the ability for pre-existing owners to have more than one license would be a problem. However, when the City eventually reaches the cap and if no one wants the licenses in the UR or SR zones, then perhaps the City may want to permit this. Why, he asked, do we care if someone owns a residential VDU/STR and wants another one in the Commercial or PD zone?

City Manager Berman stated that numerous grandfathering scenarios should be called out and defined using language in the ordinance that covers them all, and offered to work on this with the Attorney and City Planner before the next meeting.

1-VDU/STR per Parcel

Attorney Stunich explained that a vested right is not an absolute right. The City MUST show reason to revoke an existing license. I think the court would support the City's rationale, but I can't find other court cases where this has come up. I also believe that the (6) month statute of limitations have run up on the damage claims submitted earlier today as a consequence of this regulation.

Planner Parker explained the exception process as defined by zoning ordinance 17.56.190 (6.26) H. Location. **Stunich** advised that a discretionary permit process gives balance to property owner rights, neighbor's rights, and reasons why or why not the exception should be granted. It helps both sides to go through this process.

Councilmembers West, Fulkerson, and Baker supported Section H as written.

Planner Parker stated that the new language will affect the apartment complex where (2) are under one roof and can be rented as one.

City Manager Berman stated that use of the grandfathering clause will protect 461 Ocean Avenue & Parker Street Apartments existing status.

Minimum Activity Requirement

Fulkerson: Why do we need a minimum activity requirement?

Planner Parker explained that the Coastal Commission may argue that visitor services are not being provided by people sitting on limited, unused licenses. **Stunich** agreed, stating that having a 3rd class of rentals would make the ordinance more defensible.

Referring back to Tom Davies' public comments, **City Manager Berman** supported the creation of a 3rd classification of rental for "limited use", where primary residents may rent their homes up to 60 nights. These rentals would not be subject to the cap (but may be subject to their own cap), and would be required to meet all standards that full-time VDU/STR's must meet (parking, septic, etc.). **Berman** would develop this classification in detail with help from the VDU/STR committee and return to the next meeting for consideration.

Vehicle Maximum/Parking Issues

By consensus, the Council agreed that enforcing this concept was too complicated to consider at this time.

Violations & Fines

Fulkerson: Fines should be much higher than they currently are set at (\$150/300).

City Manager Berman suggested that a second appeal of violation should require the appellant to pay full cost recovery of the appeal. However, the Coastal Commission will likely weigh in on this, and we'll confirm whether a violation appeal would be considered at the State level.

License Transfer

City Manager Berman will investigate this further and consult with Attorney and return to Council with recommendation.

Reducing +2 Occupancy that is Currently Allowable

By consensus, the Council agreed to reduce the +2 Occupancy in the UR Zone, but not in the SR Zone.

Changes and recommendations will be included in the current draft and brought back to the Council at a first reading hearing in October.

5. Discussion/Decision regarding Second Reading of draft Ordinance 2016-02; Proposing an Extension of the 3/4% Sales Tax Increase to be implemented by the State Board of Equalization pending voter approval at the November 08, 2016 Election.
No public or Council comments.

Motion (Baker/West) to waive the full reading and approve the second reading of Ordinance 2016-02.
Passed 4-0.

XII. ADJOURNMENT

Meeting ended at 11:25pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Dwight Miller
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

1. Financial Status Reports for August 2016.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 8/1/2016 Through 8/31/2016

	Current Month	Year to Date	Total Budget - Original	% of Budge
Revenue				
41010	0.00	0.00	91,500.00	100.00)%
41020	0.00	0.00	3,300.00	100.00)%
41030	0.00	0.00	50.00	100.00)%
41050	0.00	0.00	600.00	100.00)%
41060	0.00	0.00	200.00	100.00)%
41071	0.00	0.00	1,000.00	100.00)%
41110	0.00	0.00	1,300.00	100.00)%
41130	0.00	0.00	1,600.00	100.00)%
41140	0.00	0.00	2,000.00	100.00)%
41190	0.00	0.00	(1,500.00)	100.00)%
41200	0.00	0.00	(1,500.00)	100.00)%
41210	0.00	0.00	12,000.00	100.00)%
41220	0.00	0.00	20,000.00	100.00)%
42000	0.00	0.00	220,000.00	100.00)%
43000	33,023.74	38,528.54	140,000.00	(72.48)%
43100	0.00	0.00	(10,000.00)	100.00)%
46000	0.00	0.00	100,000.00	100.00)%
46100	0.00	0.00	75,000.00	100.00)%
53010	6.00	14.74	30.00	(50.87)%
53020	146.43	302.35	5,000.00	(93.95)%
53090	4,119.36	4,119.36	1,000.00	311.94)%
54020	750.00	1,500.00	8,000.00	(81.25)%
54050	711.26	2,603.52	9,000.00	(71.07)%
54100	30.00	30.00	200.00	(85.00)%
54150	1,455.00	6,887.00	7,500.00	(8.17)%
54170	0.00	1,500.00	9,000.00	(83.33)%
54300	0.00	0.00	400.00	100.00)%
56400	2,125.89	4,251.78	23,500.00	(81.91)%
56500	0.00	0.00	5,135.00	100.00)%
56550	0.00	0.00	9,500.00	100.00)%
56650	0.00	0.00	3,800.00	100.00)%
56700	250.00	1,267.50	5,000.00	(74.65)%
59999	0.00	0.00	30,000.00	100.00)%
Total Revenue	42,617.68	61,004.79	772,615.00	(92.10)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 8/1/2016 Through 8/31/2016

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	300.00	550.00	3,500.00	84.29%
61000	EMPLOYEE GROSS WAGE	16,198.49	21,862.79	115,022.00	80.99%
61470	FRINGE BENEFITS	69.24	115.40	600.00	80.77%
65100	DEFERRED RETIREMENT	1,042.95	1,458.13	12,342.00	88.19%
65200	MEDICAL INSURANCE AND EXPENSE	1,766.81	3,533.62	14,801.00	76.13%
65250	Health Savings Program	15.98	31.96	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	21.45	3,451.00	99.38%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	45.22	750.00	93.97%
65600	PAYROLL TAX	1,320.10	1,787.05	9,743.00	81.66%
65800	Grant Payroll Allocation	(174.52)	(1,168.42)	(6,000.00)	80.53%
68090	CRIME BOND	0.00	455.00	455.00	0.00%
68200	INSURANCE - LIABILITY	0.00	10,160.80	10,400.00	2.30%
68300	PROPERTY & CASUALTY	0.00	3,807.05	4,680.00	18.65%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	10,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	5,375.90	5,375.90	45,000.00	88.05%
71410	BLDG INSPECTOR-ADMIN TASKS	920.00	1,740.00	4,500.00	61.33%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	9,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	1,797.54	2,645.99	14,000.00	81.10%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	14,000.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	16,200.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	30.00	160.00	5,500.00	97.09%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	500.00	100.00%
75170	RENT	650.00	1,300.00	8,200.00	84.15%
75180	UTILITIES	967.22	1,841.48	9,000.00	79.54%
75190	DUES & MEMBERSHIP	0.00	0.00	500.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	275.71	4,500.00	93.87%
75220	OFFICE SUPPLIES & EXPENSE	1,539.07	1,765.60	5,500.00	67.90%
75240	BANK CHARGES	0.00	0.00	250.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	2,500.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	98.55	189.70	2,000.00	90.52%
76130	CABLE & INTERNET SERVICE	310.37	480.77	3,300.00	85.43%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	124.00	124.00	0.00	0.00%
78170	SECURITY SYSTEM	0.00	0.00	1,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,500.00	100.00%
	Total Expense	32,351.70	58,559.20	341,194.00	82.84%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 8/1/2016 Through 8/31/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	6,187.28	8,707.79	5,330.00	(63.37)%
65100	DEFERRED RETIREMENT	719.99	1,002.77	222.00	(351.70)%
65200	MEDICAL INSURANCE AND EXPENSE	558.86	1,117.72	0.00	0.00%
65250	Health Savings Program	5.40	10.80	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	160.00	100.00%
65600	PAYROLL TAX	522.75	735.04	425.00	(72.95)%
65800	Grant Payroll Allocation	0.00	(17.13)	0.00	0.00%
75170	RENT	650.00	1,300.00	8,200.00	84.15%
75180	UTILITIES	169.95	334.56	2,500.00	86.62%
75220	OFFICE SUPPLIES & EXPENSE	989.16	989.16	1,000.00	1.08%
75300	CONTRACTED SERVICES	0.00	0.00	226,500.00	100.00%
75350	ANIMAL CONTROL	113.00	226.00	1,500.00	84.93%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	49.19	82.09	1,200.00	93.16%
	Total Expense	<u>9,965.58</u>	<u>14,488.80</u>	<u>247,537.00</u>	<u>94.15%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 8/1/2016 Through 8/31/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	300.00	1,800.00	83.33%
75180	UTILITIES	0.00	42.40	1,150.00	96.31%
75190	DUES & MEMBERSHIP	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	5,000.00	100.00%
76110	TELEPHONE	55.03	109.15	1,000.00	89.08%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	87.34	350.00	75.05%
78150	VEHICLE REPAIRS	20.82	20.82	2,500.00	99.17%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	2,500.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	400.00	100.00%
	Total Expense	<u>225.85</u>	<u>559.71</u>	<u>17,100.00</u>	<u>96.73%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 8/1/2016 Through 8/31/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	3,460.89	3,282.65	71,561.24	95.41%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	312.83	246.18	8,891.13	97.23%
65200	MEDICAL INSURANCE AND EXPENSE	703.72	1,407.44	29,514.02	95.23%
65250	Health Savings Program	7.00	14.00	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	2,222.78	100.00%
65600	PAYROLL TAX	289.22	271.70	6,348.27	95.72%
65800	Grant Payroll Allocation	(2,116.06)	(3,677.36)	(22,500.00)	83.66%
71210	CITY ENGINEER-ADMIN. TASKS	830.50	830.50	6,000.00	86.16%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
75180	UTILITIES	11.24	11.24	0.00	0.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,300.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	392.22	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	75.00	24,000.00	99.69%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	500.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	86.16	86.16	7,500.00	98.85%
78120	STREET LIGHTING	407.97	780.56	4,500.00	82.65%
78130	TRAIL MAINTENANCE	0.00	0.00	3,500.00	100.00%
78140	VEHICLE FUEL & OIL	324.77	714.86	4,000.00	82.13%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	678.26	3,793.06	4,000.00	5.17%
78170	SECURITY SYSTEM	103.50	103.50	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	306.28	663.64	5,000.00	86.73%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>5,406.28</u>	<u>8,995.35</u>	<u>165,337.44</u>	<u>94.56%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 8/1/2016 Through 8/31/2016

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47650	RECYCLING REVENUE	383.16	383.16	7,000.00	(94.53)%
56150	FRANCHISE FEES	0.00	0.00	6,000.00	(100.00)%
	Total Revenue	<u>383.16</u>	<u>383.16</u>	<u>13,000.00</u>	<u>(97.05)%</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	1,301.38	1,752.78	10,605.00	83.47%
65100	DEFERRED RETIREMENT	156.14	210.30	1,359.00	84.53%
65200	MEDICAL INSURANCE AND EXPENSE	379.22	758.44	5,825.00	86.98%
65250	Health Savings Program	3.50	7.00	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	340.00	100.00%
65600	PAYROLL TAX	111.49	150.16	971.00	84.54%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	500.00	100.00%
75130	GARBAGE	0.00	11.60	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	16.80	16.80	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	<u>1,968.53</u>	<u>2,907.08</u>	<u>20,800.00</u>	<u>86.02%</u>
	Net Income	<u>(1,585.37)</u>	<u>(2,523.92)</u>	<u>(7,800.00)</u>	<u>(67.64)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
303 - COPS Program
From 8/1/2016 Through 8/31/2016

		<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
75300	Expense				
	CONTRACTED SERVICES	<u>37,658.50</u>	<u>37,658.50</u>	<u>0.00</u>	<u>0.00%</u>
	Total Expense	<u>37,658.50</u>	<u>37,658.50</u>	<u>0.00</u>	<u>0.00%</u>
	Net Income	<u>(37,658.50)</u>	<u>(37,658.50)</u>	<u>0.00</u>	<u>0.00%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 8/1/2016 Through 8/31/2016

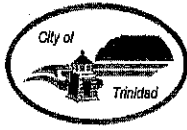
		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	1,500.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,500.00	(100.00)%
57100	WATER SALES	32,731.90	56,687.14	305,000.00	(81.41)%
57200	Water Sales - Wholesale	540.00	1,140.00	3,000.00	(62.00)%
57300	NEW WATER HOOK UPS	0.00	0.00	1,000.00	(100.00)%
57500	WATER A/R PENALTIES	743.97	1,107.40	1,000.00	10.74%
	Total Revenue	34,015.87	58,934.54	314,000.00	(81.23)%
Expense					
61000	EMPLOYEE GROSS WAGE	12,326.99	16,212.74	98,044.00	83.46%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	1,381.13	1,789.76	11,766.00	84.79%
65200	MEDICAL INSURANCE AND EXPENSE	2,898.69	5,797.38	40,587.00	85.72%
65250	Health Savings Program	23.77	47.54	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	11.55	2,994.00	99.61%
65600	PAYROLL TAX	1,047.03	1,375.81	8,534.00	83.88%
65800	Grant Payroll Allocation	(719.90)	(1,915.04)	0.00	0.00%
68090	CRIME BOND	0.00	245.00	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	5,471.20	6,125.00	10.67%
68300	PROPERTY & CASUALTY	0.00	2,049.95	2,275.00	9.89%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	967.91	1,424.76	6,500.00	78.08%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100	BAD DEBTS	0.00	67.75	350.00	80.64%
75180	UTILITIES	1,311.63	2,552.46	11,000.00	76.80%
75190	DUES & MEMBERSHIP	0.00	0.00	1,000.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	204.00	411.41	3,000.00	86.29%
75240	BANK CHARGES	0.00	10.00	0.00	0.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,000.00	100.00%
76110	TELEPHONE	115.42	236.51	1,800.00	86.86%
76130	CABLE & INTERNET SERVICE	67.35	134.70	750.00	82.04%
76160	LICENSES & FEES	0.00	0.00	2,750.00	100.00%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	83.37	127.88	1,500.00	91.47%
78150	VEHICLE REPAIRS	0.00	0.00	2,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78170	SECURITY SYSTEM	0.00	73.50	500.00	85.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	14,000.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	115.00	453.00	3,500.00	87.06%
79120	WATER PLANT CHEMICALS	1,396.72	1,396.72	7,500.00	81.38%
79130	WATER LINE HOOK-UPS	0.00	0.00	1,000.00	100.00%
79150	WATER LINE REPAIR	7,653.99	8,484.45	15,000.00	43.44%
79160	WATER PLANT REPAIR	140.00	619.56	8,000.00	92.26%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	Total Expense	29,013.10	47,078.59	307,075.00	84.67%
	Net Income	5,002.77	11,855.95	6,925.00	71.21%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 8/1/2016 Through 8/31/2016

<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
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City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 8/1/2016 Through 8/31/2016

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	100.00	200.00	9,500.00	(97.89)%
58150	Cemetery Plot Refunds	0.00	(1,410.00)	0.00	0.00%
	Total Revenue	100.00	(1,210.00)	9,500.00	(112.74)%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,645.79	2,214.02	13,291.00	83.34%
65100	DEFERRED RETIREMENT	197.47	265.67	1,718.00	84.54%
65200	MEDICAL INSURANCE AND EXPENSE	469.13	938.26	7,344.00	87.22%
65250	Health Savings Program	4.35	8.70	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	429.00	100.00%
65600	PAYROLL TAX	141.01	189.67	1,227.00	84.54%
75180	UTILITIES	44.13	88.26	750.00	88.23%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	2,501.88	3,704.58	25,259.00	85.33%
	Net Income	(2,401.88)	(4,914.58)	(15,759.00)	(68.81)%



CONSENT AGENDA ITEM 2

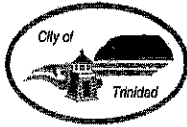
SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

2. Law Enforcement Activity Report – September 2016

ACTIVITY REPORT
TRINIDAD
BY DEPUTY WILCOX
08/01/2016 – 09/31/2016

- Person who broke into the Trinidad Water Treatment Plant (Michael Springs) had his probation reinstated. He was released for 24 hours before he was wanted again. He has since been picked up by law enforcement and is sitting cozy in a jail cell. Update: Springs was released from jail and probation was re-instated. He was arrested last week for breaking into another residence (in Eureka).
- Hidden Creek Trailer Park has made huge improvements. One of our long time problems is no longer in the park. They have served two others with an eviction notice. Afterwards we will have only one tenant in the park that has caused issues/problems in Trinidad. I have also been told the park is for sale for any interested buyers.
- Conducted numerous vehicle investigations and traffic stops some have evolved into arrests.
- Towed abandoned vehicles.
- Worked with casino closely locating wanted suspects (We apprehended one of EPD's robbery suspects with the casino's assistance). We conducted an undercover operation with DOJ and DTF.
- Responded to alarm calls. All were accidental and there were no suspicious circumstances.
- Conducted regular foot patrols behind the library. Removed any subjects camping. It is the time of year when the workers (from the growers) migrate. I apologize that it has been such a huge issue this year. The week day night guys have been conducting walk throughs during their shifts.
- Conducted regular patrol checks on Scenic Drive, Patrick's Point, Westhaven Drive.
- I have worked with and attended multiple meetings with Adult Protective Services, Mental Health, Code Enforcement, and Environmental Health regarding a residence just outside of the city limits. The living conditions were horrific and the resident was allowing numerous transients to camp on the property. The transients did not have any bathroom facilities and there is a creek that runs through the property (that supplies water to numerous people in the area). The resident was recently placed into housing and the persons living on the property have been evicted from the property.
- I have been working with the planning department and other agencies regarding a local business. I am sorry but we are keeping this low key for now. I will update regarding our accomplishments and progress soon.
- I have been working with the tribe regarding a residence (on tribal land) that has been causing problems that affect Trinidad. This issue has not been resolved as of this time, however we are still working on it.
- The last week of September I attended Crisis/Hostage Negotiators School. I returned to work for a week prior to being placed on light duty for an injury I received on Trinidad Head. I am doing everything I can to get back to full duty ASAP.
- I have been working two confidential cases over the past two months that has consumed a large amount of my time. One of the cases has been completed. The other is close to being completed.
- We assisted in removing unwanted subjects from a property on Patricks Point Drive. The subjects were squatting on the property and stealing from the neighboring residents. The subjects also removed water lines and a pump. Deputies arrested him and retrieved the water pump. A week later the subjects returned. They were once again removed from the property. I have not heard any complaints or seen any evidence that they have returned.
- Responded to domestic violence calls for service, which lead to two arrests.
- Responded to call of a stalker at the Sammy Kershaw Concert (the casino). The subject was contacted and it was not as reported.
- Made multiple warrant arrests.
- The awesome City of Trinidad purchased me a new computer. I am so excited. My last one was approximately ten years old and was limited in its usage. With the new computer, I can now run my own reports (which means timely reports for you).

Pam Wilcox
Deputy Sheriff
HCSO



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Proclamation in Recognition of Domestic Violence Awareness Month, October 2016.

City of Trinidad

From: Alexia Siebuhr [community@hdvs.org]

Sent: Friday, August 19, 2016 1:24 PM

To: cityclerk@trinidad.ca.gov

Subject: Trinidad October Proclamation

Attachments: Trinidad City Proclamation '16.doc

Hello,

We are contacting you in regards to a proclamation for Domestic Violence Awareness Month being read at Octobers meeting. Attached is the updated wording pllease let me know if you need anything else and let us know if we are confirmed for the October 12th meeting.

Kindly,

Alexia Storm Siebuhr

Community Outreach & Event Specialist

Humboldt Domestic Violence Services

PO BOX 969, EUREKA, CA 95502

T: (707) 444-9255 • F: (707) 444-3190 • M: (707) 496-4090

WWW.HDVS.ORG



Our Mission - "Breaking the cycle of domestic and intimate partner violence through services, education, and advocacy."

Nuestra Misión - "Romper el ciclo de la violencia doméstica y de pareja con servicio, educación y abogacía."

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www.avast.com

TRINIDAD CITY HALL

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



PROCLAMATION 2016-03

DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic and intimate partner violence remains a serious national, state, and community social issue, and is not confined to any group of people, domestic violence crosses all economic, ethnic, sexual preference, and age categories; and

WHEREAS, the crime of domestic violence violates an individual's dignity, security, and humanity with the systematic use of power and control through physical, emotional, sexual, psychological, economic abuse; and its victims can face serious life threatening injuries, mental, emotional problems, and death; and

WHEREAS, children who witness domestic violence are at greater risk for lifelong behavior problems, alcohol and other drug abuse and other health problems, and becoming abusers and victims in their adult intimate relationships; and

WHEREAS, in 1977 Humboldt Domestic Violence Services (HDVS) was conceived by a small group of concerned local women who provided lifesaving emergency services to battered women and their children and became actively involved in prevention issues and public policies of the Domestic Violence Movement in their Community, State and Nation; and

WHEREAS, starting in October of 2016, Humboldt Domestic Violence Services (HDVS) will begin its yearlong celebratory journey of its organization leading up to its 40th Anniversary in October 2017.

WHEREAS, Humboldt Domestic Violence Services (HDVS) offers services and direct support for survivors and their children of intimate partner violence regardless of gender, sexual orientation, race, color, religious affiliation, age, disability, education, marital status, amnesty, national origin or culture; and last year alone received over 2,200 crisis and support line calls and requests for services, and continues an ongoing collaboration and partnerships with the community-at-large, social service providers and county agencies, local tribes, the Latino Communities, Humboldt State University, LGBTQI communities, North Coast Rape Crisis Team, the District Attorney's office and Victim Witness, the California Partnership to End Domestic Violence, first responders and law enforcement, as well as, outreach and development of public education programs that enlist men as allies in changing the environment and mindset that has historically allowed Domestic and Intimate Partner Violence to be viewed as acceptable.

NOW, THEREFORE, BE IT PROCLAIMED that the City of Trinidad designates the month of **October 2016** to be **DOMESTIC VIOLENCE AWARENESS MONTH**. *Now, therefore, I, Mayor Dwight Miller, on behalf of the City Council*, do hereby proclaim and affirm our support and commitment to Humboldt Domestic Violence Services efforts working to improve community safety through multi-faceted approaches via networking, education to break the cycle of domestic and intimate partner violence through education, services and advocacy for 39-years, while providing direct empowerment services to survivors and their children and our community-at-large.

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor, City of Trinidad



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES

4. Approval of Consultant Scope of Services for Ocean Protection Council Citywide Low Impact Development Grant Project with City Engineer GHD.

CONSENT AGENDA ITEM

Date: October 17, 2016

Item: GHD INC. CONSULTANT SCOPE OF SERVICES FOR OCEAN PROTECTION COUNCIL CITYWIDE LID GRANT PROJECT.

Background: On February 10, 2016, the City Council adopted Resolution 2016-01, approving the application for and execution of a grant agreement for the Citywide LID Planning and Construction Project. The goal of the project is to reduce the quantity of polluted runoff discharging into Trinidad Bay through construction of low impact development (LID) improvements to the storm drainage system, conducting groundwater modeling, developing LID policy guidance to address bluff saturation and stability issues, and by promoting residential use of LID features and techniques that improve water quality and reduce water use. The grant funded project construction includes 3 "shovel-ready" LID projects that were designed and permitted during the recently completed Stormwater Project Phase 1, but not constructed due to budget constraints.

The Ocean Protection Council (OPC) awarded Proposition 1 funding to the Citywide LID Project on June 29, 2016, and staff is currently working with the OPC to execute the Grant Agreement. Under the Grant Project Work Plan, GHD Inc. will provide services for project monitoring, bid period, construction management, groundwater modeling for the LID Zoning and Restoration Policy, outreach and education materials and activities, including the LID demonstration project and educational events. The Grant Project is scheduled to begin in Fall 2016 and be completed in June 2018.

Agreement for Services with GHD Inc. for \$133,500 is attached. The cost for the contracted services will be reimbursed through the Ocean Protection Council Proposition 1 Program Grant Agreement No. P01-1-02.

Staff Recommendation:

1) Authorize City Manager to sign the scope of services with GHD Inc. upon execution of Ocean Protection Council Grant Agreement.

Attachments:

- GHD Inc. Scope of Services for the Citywide LID Project.

**Agreement Between
The City of Trinidad
And
GHD
For
Assistance with the Trinidad Citywide Low Impact Development
Planning and Construction Project**

INTRODUCTION

This agreement is between the City of Trinidad and GHD Inc. (GHD) to provide assistance with the Trinidad Citywide Low Impact Development Planning and Construction Project being funded by a grant from the Ocean Protection Council (OPC) Proposition 1 Grant Program. This agreement is based on a prime agreement between the City of Trinidad and GHD dated May 20, 2008. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

The City is proposing a multi-benefit stormwater project, which includes construction of a City scale LID project, construction of a residential LID demonstration project, development of an ocean friendly gardening guidance document, development of a City LID policy, a residential LID construction incentive program, and education and outreach in the form of technical workshops and participation with the Trinidad Bay Watershed Council. These projects have been developed at various degrees over many years with input and support from multiple stakeholders. The City has been proactive in addressing its stormwater with broad support from stakeholders, City Staff, City Council, and the City Manager.

The goals of the overall project are to:

- 1) Develop a City Policy regarding implementation of Low Impact Development (LID) for projects within the City limits.
- 2) Develop an ocean friendly gardening guidance document
- 3) Construct a LID project to address City stormwater at three areas in town to treat and infiltrate the stormwater in these locations
- 4) Construct a residential LID demonstration project
- 5) Develop a residential LID construction incentive program
- 6) Provide education and outreach in the form of technical workshops and participation with the Trinidad Bay Watershed Council.
- 7) Make improvements to City policy and infrastructure that can help reduce potential vulnerability to the City from Climate Change.

GHD is assisting the City with implementation of this grant, in conjunction with City Staff, Streamline Planning, and a construction Contractor that will be selected through the public bidding process. The scope of work specific to GHD's assistance is divided into several tasks described below. These tasks align with those included in the City's grant Agreement with the OPC and define GHD's portion of the project work.

SCOPE OF WORK

The following tasks define GHD's scope of work:

Task 1: Project Management and Monitoring

A list of project specific performance measures will be developed to assess the project outcomes as a project monitoring plan. The proposed performance measures will be submitted to the City and OPC for approval as a draft project monitoring plan with the first monthly progress report. Once review comments are received, the project monitoring plan will be finalized. A final project effectiveness assessment will be completed according to the monitoring plan during project closeout. The City will be the lead on the final project report which will include the effectiveness monitoring results. GHD will provide a summary and write up of the monitoring results which will be incorporated into the final report.

Deliverables

- Draft project monitoring plan
- Final project monitoring plan
- Project effectiveness monitoring results

Assumptions

- The City of Trinidad will administer the project and provide the granting agency with all required reporting, reimbursement requests, projects updates, and similar grant requirements.

Task 2: Citywide LID Construction Project

Task 2.1 Finalize Project Design and Project Bidding

Under this task, GHD will prepare a final bid package which will be submitted to the City for review and comment. The existing designs for East, West, and Hector streets will be used with some minor modifications based on lessons learned from construction of the previous LID improvements. Based on input from the project reviews and quality control review, the project plans, specifications, and contract documents will be finalized for public bidding including the bid documents and "Front End" contract documents.

The design plans will contain the following sheets at a minimum:

- 1) Cover sheet
- 2) Abbreviations and Legend Sheet
- 3) Demolition Sheet(s)
- 4) Site Plan Sheet(s)
- 5) Profile Sheet(s)
- 6) Detail Sheet(s)

Services

- Present bid package to the City and obtain approval to issue the project for public bid.
- Prepare copies of the bid package which details the requirements for public bidders
- Schedule and attend one pre-bid meeting combined with one pre-bid job walk
- Public opening of bids received at GHD's Eureka office
- Compile list of bidders
- Review bids and determine if bidders are responsive to bid requirements
- Verify responsive bidders qualifications

- Submit recommendations for low bid to City Council and the OPC, and obtain Council's approval for contract award
- Prepare contract documents and assist City to enter into contract with selected bidder

Task 2.2 Construction Management

Construction observers and construction managers will be used to periodically monitor the construction activities in the field and to provide project administration and management support. An engineering construction observer will be on site during significant construction activities during the project. The construction contractor will be responsible for hiring a cultural resources monitoring as a part of the construction contract. The construction observer will be supported by office staff for submittal review, project management, and record keeping. Records of construction activities documented during construction observation and significant written communications with the contractor will be maintained in project files. The project schedule, materials supply list, contractor payment requests, contractor log submittals, and payroll and manpower utilization reports will be reviewed and updated periodically. During the review process the construction observer will prepare recommended change orders and maintain accounts of commitments, expenditures, and forecasts of cash flows, and costs to complete. Once the project is complete and participating agencies have signed off, a notice of completion will be recorded with the Humboldt County Clerk.

Deliverables

- Draft 100% Submittal:
 - Three (3) copies of the draft 100% Bid Documents (plans and specifications)
- 100% Final Submittal:
 - Three (3) copies of the final stamped 100% Bid Documents (plans and specifications)
 - One (1) electronic copy of all final bid documents in PDF format
- Compilation of public advertisements, one electronic copy to the City
- Compile list of bidders and bid results with recommendations for award to the City
- Review and response by consultant's licensed engineer(s) of contractor submittals and requests for information
- Project Record Drawings
- Pay Request Recommendations including progress updates
- Draft and final change orders
- Notice of completion submitted to Humboldt County Clerk

Assumptions

- All review comments on draft plans, and specifications are compiled into one document by lead reviewer.
- Review comments will not request significant changes to the project
- Existing permits and CEQA documents are adequate to cover the construction
- This is a prevailing wage project
- The City will publically advertise the solicitation for bids for the construction portion of the project and pay for all such advertising fees. Advertisements are proposed to be

placed in the Eureka Times-Standard and the Crescent City Daily Triplicate newspapers, and the Eureka and Santa Rosa offices of the Builder's Exchange

- In case of bid protest or legal bidding questions, the City will engage or make available the City Attorney for interpretation and recommendations to Council
- Construction will be completed by the Contractor within five (5) weeks for a total of 25 working days
- Construction Management personnel provided by consultant are observers only, not inspectors. If special inspections and/or approvals are required during construction of the work, qualified personnel, subcontractors or manufacturer's representatives will be utilized.
- Contractor will keep detailed red-line mark up work completed for incorporation into record drawings.
- Construction Management personnel are not responsible for contractor health and safety or security at the construction site.
- Construction Management personnel have the City's authority to stop contractor's work if significant deviation from the plans and/or specifications are observed, or if serious health and safety violations are observed.
- CM personnel are not responsible for contractor means and methods.
- Any necessary labor compliance services are provided by the City under a separate contract.

Task 3: LID Guidance Documentation

Under this task GHD will update the Appendix 5 plant list to the existing Humboldt Storm Water LID Manual by providing Ocean Friendly Gardening Guidance appropriate for USDA Planting Zone 9. The update will provide a review of the plant list and additions/modifications appropriate for Trinidad's coastal setting including diverse plant palettes for LID planting zones A, B, and C (as described in the existing manual), in the following settings: sun, shade, and cityscapes/urban. The update will address editorial inconsistencies in the existing Appendix 5 plant list. The supplemental Ocean Friendly Gardening guidance will include information about landscaping and gardening to protect water quality and conserve water.

Deliverables

- Updated Appendix 5 plant list
- Ocean friendly gardening guidance

Task 4: LID Zoning and Restoration Policy

Under this task, GHD will use the existing (MODFLOW-SURFACT) model to help evaluate stormwater infiltration areas by simulating LID components as surface loading to the calibrated groundwater model for the various scenarios. Model results will be generated in the form of plan view maps depicting modeled groundwater elevations. Groundwater flow through boundaries will be presented in tabular form. This is an iterative process involving interaction between modeling and design efforts and assumes a maximum of four stormwater infiltration scenarios. Results will also be reviewed by a geotechnical engineer to check potential effects of alternatives on slope stability by conducting a slope stability analysis along selected bluff cross sections

using SLIDE software by RocScience consistent with the previously completed groundwater model and slope analysis.

Groundwater Model Report Addendum

The results of the modeling and alternative analysis task will be summarized in an addendum to the Groundwater Model Technical Report completed in October 2013. This task entails summarizes the hydrogeologic parameters and simulation scenarios used in the development of supporting modeling for the LID zoning and restoration policy. The Addendum will present base conditions and groundwater flows for the various design alternatives as well as the results from the slope stability analysis. Results will be presented in graphical and tabular formats.

Deliverables

- An Addendum to the Groundwater Model Technical Report summarizing the results of the groundwater modeling and providing design parameters and recommendations to be utilized in the development of the LID zoning and restoration policy. The Addendum will also include:
 - Graphical and tabular model outputs
 - Groundwater model input/output files
 - An electronic copy of the conceptual model database

Assumptions

- Zoning and public policy issues will be addressed by the City and the City's planners.
- The groundwater modeling will be performed using MODFLOW-SURFACT

Task 5a: Public Outreach – Demonstration Project

Under this task, GHD will work with the City to implement a residential-scale LID project, to be located at the City Annex. GHD will assist with the LID project layout and assist the City with securing a licensed contractor and/or volunteers as well as in necessary plant selection and sourcing. GHD will also provide input on the demonstration project sign to be installed at the City Annex.

Deliverables

- Project LID concept for Implementation, including proposed planting plan
- Assistance and review of the project sign

Assumptions

- LID project site is the City Annex
- Outreach in Task 5b will include soliciting participation for this activity.
- GHD will not develop a full bid package for public bidding or other purposes
- GHD will develop a concept for implementation

Task 5b: Public Outreach and Education

Under this task, GHD will assist with public events to provide educational workshops for implementing LID projects. These training events will be led by the City and also be used to

recruit members of the public for participating/volunteering in building a demonstration project, and to create enthusiasm and skill-building for residents to support each other in implementing projects through the incentive program. It is envisioned that an informational Ocean Friendly fair will be held and two project workshops will be planned similar to Surfrider Foundation's "Hands On Workshops (HOW)" to provide opportunities for the training event to encourage implementation of residential projects within City limits.

Services

- Lead LID training / workshop
- Coordinate volunteers for Task 5a

Deliverables

- Event materials

Compensation

GHD will complete this scope of work on a lump sum basis in accordance with the approved grant budget. Work will be completed and billed monthly on a percent complete basis by task. The budget estimate is broken down as follows:

Task	Description	Fee
Task 1	Project Management	\$5,500
Task 2	Citywide LID Construction Project	\$57,000
Task 3	LID Guidance Documentation	\$3,000
Task 4	LID Zoning and Restoration Policy	\$60,000
Task 5a	Public Outreach – Demonstration Project	\$4,000
Task 5b	Public Outreach and Education	\$4,000
	Total:	\$133,500

Agreed

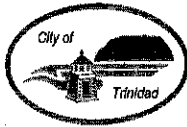
Dan Berman
Trinidad City Manager

Date

Steve Allen
GHD

Date

City of Trinidad Accounting Tracking Number



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

5. Planning Commission Vacancy Notice

CONSENT AGENDA ITEM

MONDAY, OCTOBER 17, 2016

Item: Planning Commissioner Vacancy Announcement and Public Notice

Background: At the end of 2016 there will be (2) vacancies to fill on the Trinidad Planning Commission. Current Commissioners Mike Pinske and Cliff Poulton's terms will expire following the December meeting.

The current commissioners and terms are:

Chair: Mike Pinske	resident	Term expires December 2016
Cliff Poulton	resident	Term expires December 2016
Diane Stockness	resident	Term expires December 2018
Laura Scott	resident	Term expires December 2018
Richard Johnson	Trinidad area resident	Term expires December 2018

Staff will begin the recruitment process by posting the attached Vacancy Notice in the (3) required notification places in town (Town Hall, Post Office, and Murphy's Market), as well as sending notice to the local press for publication.

The Planning Commission is currently being served by (1) member that lives outside the City limits. Trinidad Municipal allows the Commission to include up to (2) Commissioners that live outside the city limits:

2.20.090 Qualifications of planning commission members.

Except as provided hereinafter, no person may serve on the Trinidad planning commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the city limits of the city of Trinidad.

However, in the event there are no acceptable applicants from within the city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon. [Ord. 2011-01 § 1, 2011; Ord. 2007-03 § 1, 2007; Ord. 94-2 § 1, 1994].

Recommended Action: Authorize Staff to post the required notice for (2) vacancies on the Trinidad Planning Commission.

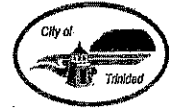
Attachments:

- Notice of Vacancy

CITY OF TRINIDAD

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



Wednesday, October 19, 2016

PUBLIC ANNOUNCEMENT OF VACANCY ON THE
TRINIDAD PLANNING COMMISSION

THE CITY OF TRINIDAD IS CURRENTLY SEEKING INDIVIDUALS TO FILL
(2) VACANCIES ON THE TRINIDAD PLANNING COMMISSION.

TERM: **Through DECEMBER 2022**

SEND A LETTER OF INTEREST, INCLUDING QUALIFICATIONS, TO THE
CITY CLERK AT:

*CITY OF TRINIDAD
P.O. BOX 390
TRINIDAD, CA 95570*

OR YOU MAY DELIVER THE LETTER IN PERSON TO:

*TRINIDAD CITY HALL
409 TRINITY STREET
TRINIDAD, CA*

OR YOU MAY EMAIL IT TO:

CITYCLERK@TRINIDAD.CA.GOV

**THE DEADLINE FOR FILING IS 2:00 PM, FRIDAY, NOVEMBER 04, 2016, OR
UNTIL POSITIONS ARE FILLED.**

QUALIFIED APPLICANTS MUST LIVE WITHIN THE CITY LIMITS OR
GREATER TRINIDAD AREA.

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE CALL 677-0223.

Gabriel Adams - Trinidad City Clerk



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

6. Van Wycke Trail Update

CONSENT AGENDA ITEM

Date: October 17th, 2016

Item: VAN WYCKE TRAIL PROJECT UPDATE

Background: The City has investigated options and sought funding for the repair of the Van Wycke Trail for many years. Geologic investigations and engineering feasibility studies have been completed; the recommendation is for construction of a specific type of retaining wall (a soldier pile wall) tied into bedrock underlying the trail.

Funding from the Coastal Conservancy was not forthcoming, and in 2016 we received notice that our second attempt at securing a CA Department of Transportation (Caltrans) Active Transportation Program (ATP) grant was successful. Key components of the awarded project include:

- Funding for the CEQA process, permits, and final designs,
- Construction of a retaining wall in the failing section,
- Rebuilding the trail through the failing section as a Class 1 bike path,
- Construction of a crosswalk on Edwards Street,
- Construction of a sidewalk and/or path along the bluff side of Edwards street from Van Wycke to Ocean St. This component could be on the outside of the existing curb, or could be built inside the existing curb by narrowing the street.

Questions were raised by the public and Council at the last meeting about the required width and surface over the currently failing section, and the overall necessity of the Class 1 bike path component of the project.

City staff, GHD, and our Caltrans Grant Manager have walked the trail and discussed the requirements of the current grant in detail since the last Council meeting.

Responding to questions raised at the last meeting:

The ATP application was not explicitly required to include a Class 1 bike path, but we would have been very unlikely to be funded with a recreational, pedestrian only, trail proposal. The ATP funding is explicitly tied to transportation needs, including bicycle travel, as opposed to purely recreational trails.

Class 1 bicycle paths have required widths of 10 feet, with eight feet allowed in some circumstances. The path through the failing section is proposed at eight feet. The surface is normally required to be paved, although hard packed gravel or decomposed granite can be permissible.

ADA requirements that go along with any substantial investment in the trail will separately push the project towards a hardpacked and reasonably wide approach.

The slumping is so extreme that building a new retaining wall in that location, and simply filling to create a level surface, will likely generate the required widths.

A bridge option instead of a retaining wall is possible, however the same widths would be needed. A bridge will be one of the alternatives considered in the CEQA process. The relative costs and impacts of a bridge vs. retaining wall

Other aspects of the project are more flexible, including the crosswalk, and the design and location of the proposed path along the bluff from Van Wycke Street to Ocean Street.

Next steps –

GHD is developing visual representations of the proposed project and alternatives described above. Staff and GHD will hold a community meeting tentatively scheduled for Wednesday November 2nd at 6 pm to present the proposed project in detail and solicit feedback and ideas from the community. The results will come back for further presentation and discussion at the City Council's November meeting for a discussion and decision about how to proceed.

No Council Action is requested at this time



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

1. Presentation/Discussion with Humboldt County Sheriff representatives regarding Measure Z funding and Public Safety .

ACTION AGENDA ITEM

Monday, October 17th, 2016

Item: Measure Z and Public Safety Update with Lieutenant Kevin Miller, HCSO

Summary:

The City has been awarded \$75,317 in Measure Z funds from Humboldt County to support additional law enforcement services in Trinidad. The City's proposal was to utilize these funds to support an additional 0.5 FTE deputy in Trinidad. This would involve one deputy splitting their time between the City of Blue Lake and the City of Trinidad, and Trinidad would go from having a dedicated deputy on duty ten hours a day four days a week, to six days a week.

The Humboldt County Sheriff's Office was supportive of our application throughout the process, but they have just recently informed the City that they do not have the staff available to move forward with this plan. They have also indicated that they are not sure when or if they will have the staffing available. Lieutenant Kevin Miller will be attending to speak for the Sheriff's Office.

Initial conversations with County staff who administer the Measure Z funds have suggested that they could hold the funds over to future years, and they are willing to consider proposals for potential alternative uses of the funds. The Board of Supervisors would likely need to approve any such alternative, as these funds were awarded based on a specific proposal for additional deputy hours. Any use would need to be consistent with the intent of Measure Z, and proposals developed with County engagement

The City of Blue Lake is in the same situation and is interested in working collaboratively on community public safety concepts. Some initial options for consideration, which may or may not involve Measure Z funds, could include:

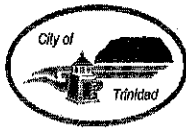
- a) Lighting improvements in selected areas;
- b) Increased training and equipment for community involvement through neighborhood watch or similar efforts;
- c) Hiring or contracting for non-law enforcement security positions, independently or possibly with the Trinidad Rancheria, who already have security staff.

The Council has a Public Safety Committee, which currently consists of Councilmember Baker. Rather than having a detailed discussion at this meeting, staff recommends another Council member join this committee, and the committee be tasked with exploring these options in more detail, including public meetings, with the goal of coming back to the Council with recommendations. This would provide a forum for community engagement and participation in the effort to improve public safety in and around Trinidad.

Staff Recommendation:

Appoint an additional Council member to the Public Safety Committee, and

Task this committee with holding public meetings, including the Sheriff's Office, and County representatives, and developing public safety recommendations for the Council, including how to proceed with the Measure Z funds.



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 5 PAGES

2. Discussion/Decision regarding Claims Against the City by Reinman and Covney.

ACTION AGENDA ITEM

Date: October 17th, 2016

Item: **CLAIM AGAINST CITY RELATED TO CURRENT VDU ORDINANCE REGULATIONS**

Background:

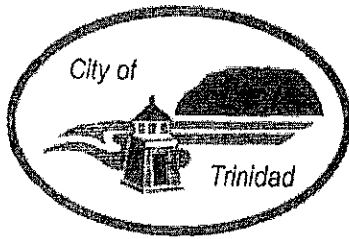
The City has received a claim for damages from two property owners. The basis for the claim is that the City's VDU Ordinance improperly restricted their use and income from their properties by limiting them to operating a single vacation rental (now Short Term Rental or STR) on their property rather than two separate STRs on their property.

The City Attorney has recommended the City deny the Claim. The Claim, and the Attorney's response, are attached. Rejection of the Claims may lead to legal action against the City.

The Council will discuss this in Closed Session due to the threat of litigation. The extent to which it is discussed during this open session will depend on the actions and legal advice provided in closed session.

Recommended Action:

Report out of Closed Session as appropriate



CITY OF TRINIDAD

Post Office Box 390 • 409 Trinity Street
Trinidad, California 95570
Ph: 707.677.0223 • Fax: 707.677.3759

RETURN COMPLETED CLAIM FORMS TO THE CITY CLERK'S OFFICE

CLAIM FOR MONEY OR DAMAGES AGAINST THE CITY OF TRINIDAD

This claim must be presented, as prescribed by Parts 3 and 4 of Division 3.6, Title I of the Government Code of the State of California, by the claimant or by a person acting on his/her behalf and shall show:

The name and mailing address of the claimant:

Mike Reinman c/o McNeill Law Offices

280 Hemsted Drive, Suite E

Redding, CA 96002

Telephone: 530-222-8992

The mailing address to which the person presenting the claim desires notices to be sent:

McNeill Law Offices

280 Hemsted Drive, Suite E

Redding, CA 96002

The date, place and circumstances of the occurrence or transaction which gave rise to the claim asserted (use additional paper, if needed):

The place of damages is 651 Parker Street, Trinidad, CA.

Within the past year, City of Trinidad has made a final determination that it is upholding its decision not to permit more than one VDU (Vacation Dwelling Unit) on a parcel, notwithstanding that more than one VDU has been in actual use and operation for years preceding the City's VDU ordinance and are legally valid to continue full operation

as a lawful preceding non-conforming use both under the Municipal Code of the City of Trinidad and under the state law of California. The City of Trinidad has unlawfully prohibited the operation of more than one VDU on this parcel, and consequently has denied the claimant the use and profits from two vacation rentals at this location. The precise damages are yet to be determined, but they are estimated to be in excess of \$40,000/yr. for each VDU, and claimant has suffered actual damages of this nature. The actions of the City have inversely condemned the vested rights of the claimant to operate these VDUs. The actions of the City have also violated both the Trinidad Municipal Code and California State Law in respect to pre-existing uses and claimant's right to such uses and to obtain profits from such use.

A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim:

See description in previous paragraph. Precise damages will be calculated according to proof but are far in excess of \$10,000 for purposes of presenting this claim.

The name(s) of the public employee(s) causing the injury, damage, loss, if known:

The City of Trinidad, the members of the City Council both collectively and individually, the members of the City Planning Commission both collectively and individually, the City Manager, and the City Planner acting within the

State the amount claimed if it totals less than ten thousand dollars as of the date of presentation of the scope of claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be her known at the time of the presentation of the claim, together with the basis of the amount claim. duties

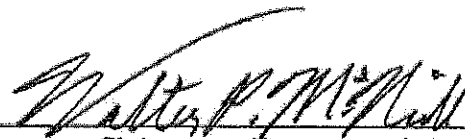
INCLUDE RECEIPTS AND/OR OTHER PROOF OF REPAIR OR REPLACEMENT. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. for the City. However, it shall indicate whether the claim would be a limited civil case (CCP Section 85).

The claim exceeds \$10,000 and would be an unlimited civil case.

The claim shall be signed by the claimant or by some person on his/her behalf. A claim relating to a cause for action for death or injury to the person or to personal property or growing crops shall be presented not later than six (6) calendar months (or 182 days) after the accrual of the cause of action, whichever is longer. Claims relating to any other causes of action shall be presented not later than one (1) year after accrual of the cause of action.

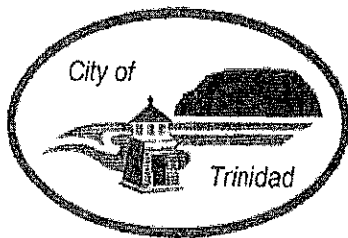
9/14/2016

Date



Claimant or Representative
Walter P. McNeill, Esq.
Attorney for Claimant

NOTE: This form of claim is for your convenience only; any other type of form may be used if desired, so long as it satisfies the requirement of the Government Code. The use of this form is not intended in any way to advise you of your legal rights or to interpret the law. If you are in doubt regarding your legal rights or the interpretation of any law, we suggest that you seek legal counsel of your choice. Issuance of this form does not constitute an acknowledgement of the validity of, or the obligation to pay, any claim against the City of Trinidad or its employees.



CITY OF TRINIDAD

Post Office Box 390 • 409 Trinity Street
Trinidad, California 95570
Ph: 707.677.0223 • Fax: 707.677.3759

RETURN COMPLETED CLAIM FORMS TO THE CITY CLERK'S OFFICE

CLAIM FOR MONEY OR DAMAGES AGAINST THE CITY OF TRINIDAD

This claim must be presented, as prescribed by Parts 3 and 4 of Division 3.6, Title I of the Government Code of the State of California, by the claimant or by a person acting on his/her behalf and shall show:

The name and mailing address of the claimant:

Michael and Gail Covney c/o McNeill Law Offices

280 Hemsted Drive, Suite E

Telephone: 530-222-8992

Redding, CA 96002

The mailing address to which the person presenting the claim desires notices to be sent:

McNeill Law Offices

280 Hemsted Drive, Suite E

Redding, CA 96002

The date, place and circumstances of the occurrence or transaction which gave rise to the claim asserted (use additional paper, if needed):

The place of damages is 461 Ocean Avenue, Trinidad, CA.

Within the past year, City of Trinidad has made a final determination that it is upholding its decision not to permit more than one VDU (Vacation Dwelling Unit) on a parcel, notwithstanding that more than one VDU has been in actual use and operation for years preceding the City's VDU ordinance and are legally valid to continue full operation as a lawful preceding non-conforming use both under the Municipal Code of the City of Trinidad and under the state law of California. The City of Trinidad has unlawfully prohibited the operation of more than one VDU on this parcel, and consequently has denied the claimant the use and profits from two vacation rentals at this location. The precise damages are yet to be determined, but they are estimated to be in excess of \$40,000/yr. for each VDU, and claimant has suffered actual damages of this nature. The actions of the City have inversely condemned the vested rights of the claimant to operate these VDUs. The actions of the City have also violated both the Trinidad Municipal Code and California State Law in respect to pre-existing uses and claimant's right to such uses and to obtain profits from such use.

A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim:

See description in previous paragraph. Precise damages will be calculated according to proof but are far in excess of \$10,000 for purposes of presenting this claim.

The name(s) of the public employee(s) causing the injury, damage, loss, if known:

The City of Trinidad, the members of the City Council both collectively and individually, the members of the City Planning Commission both collectively and individually, the City Manager, and the City Planner acting within the

State the amount claimed if it totals less than ten thousand dollars as of the date of presentation of the scope of claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of the amount claim.

INCLUDE RECEIPTS AND/OR OTHER PROOF OF REPAIR OR REPLACEMENT. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case (CCP Section 85).

The claim exceeds \$10,000 and would be an unlimited civil case.

The claim shall be signed by the claimant or by some person on his/her behalf. A claim relating to a cause for action for death or injury to the person or to personal property or growing crops shall be presented not later than six (6) calendar months (or 182 days) after the accrual of the cause of action, whichever is longer. Claims relating to any other causes of action shall be presented not later than one (1) year after accrual of the cause of action.

9/14/2016

Date

Walter P. McNeill

Claimant or Representative
Walter P. McNeill, Esq.

Attorney for Claimant

NOTE: This form of claim is for your convenience only; any other type of form may be used if desired, so long as it satisfies the requirement of the Government Code. The use of this form is not intended in any way to advise you of your legal rights or to interpret the law. If you are in doubt regarding your legal rights or the interpretation of any law, we suggest that you seek legal counsel of your choice. Issuance of this form does not constitute an acknowledgement of the validity of, or the obligation to pay, any claim against the City of Trinidad or its employees.



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 39 PAGES

3. First Reading of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.

ACTION AGENDA ITEM

Monday, October 17th, 2016

Item: Discussion and First Reading of Ordinance 2016-03 – The City of Trinidad Short Term Rental Ordinance.

Summary:

The City has been working to develop, implement, and improve regulations of Short Term Rentals for many years. The draft Ordinance before you began as a revision to the current ordinance, motivated primarily by a perceived need to cap the total number of STRs in Trinidad.

The draft Ordinance before you would break new ground for the City in establishing different types of STRs, capping STRs in Residential Zones of the City, limiting transferability of STR licenses, limiting STR license holders to a single license, and revising the definitions and language of the current VDU Ordinance to improve clarity, enforcement, and overall implementation. It represents substantial work by the Planning Commission, the Council, and the Community over the last year.

The details of the Ordinance have been discussed by Council over many recent meetings, and are best reviewed in the Ordinance language itself. The attached packet includes first a 'clean' copy not showing any track changes, as well as a copy tracking changes from our last meeting. Some formatting changes are not shown for clarity.

Staff have also included a Summary Table that attempts to list the key aspects of the Ordinance in simple terms. While that Table is part of the record, it is entirely secondary to the Ordinance, and any inconsistencies between the two are resolved by the Ordinance itself.

Staff Recommendation:

Staff recommend that the Council specify any final changes to the Ordinance from the version in the staff report, and then waive reading of the Ordinance text in full, and conduct the first reading of the final Ordinance by its title.

Process and Remaining Details

The Council can make changes to the current draft Ordinance at this meeting, prior to the first reading. There are two issues that were not fully settled at the last meeting, and recommendations for the Council on those are below.

Note that if changes desired by the Council become too significant to track the exact language carefully, or require additional research and review to create final Ordinance text, it will be necessary to hold off on the first reading of the Ordinance to our next meeting to be sure we have the Ordinance correct.

When does it take effect? -

A second reading and final adoption can be held at the next regular meeting of October 26th. No changes, except minor editorial corrections, can be made between the first and second reading.

The Ordinance is then provided to the Coastal Commission to review for consistency with the Coastal Act and our Local Coastal Program. That process may result in changes to the Ordinance requested or required by the Coastal Commission. Staff and Council can work with Commission Staff through this process.

The Commission will presumably certify some version of the Ordinance.

The Council will then need to 're-adopt' the final revised and Commission approved Ordinance. That final action by the City, after Coastal Commission Certification, is the point where it will become effective. In the unlikely event that the Commission certifies it without any real changes, it would become effective upon that action by them. .

Decisions for this Meeting, and Changes since the last Meeting

Recent changes are discussed below, and issues that staff are requesting a decision by the Council on are highlighted in yellow italics with a brief discussion following each.

Preamble:

As directed, the Preamble drafted by the City Attorney has been included in the Ordinance itself. The City Staff, City Planner, and City Attorney worked to edit the preamble somewhat from the draft provided at the September 2016 meeting. The Preamble does not set the regulations, but provides basic context for the reasoning behind them.

STR License Types

The Ordinance creates three types of STR licenses:

Full Time STR License. This is the vast majority of existing Trinidad STR Licenses. They allow year-round use as a STR. The number will be capped in the UR and SR zones at 19 and 6 respectively. They will have a minimum use requirement of 60 nights /yr.

Resident STR License. This allows limited (less than 60 nights per year) STR use of the entire home, and is only available to property owners in their primary residence. Only one or two current STRs might qualify for this. This provides an opportunity for actual Trinidad residents to provide limited coastal lodging in their home, while still being a long term resident member of the community.

Homeshare STR License. This is where a property owner, in their own home, can rent up to one bedroom out as an STR, but the owner must be hosting (i.e. sleeping in their home) during the STR use.

Decision on Resident STR License Details and Cap

A cap for this License type was discussed but not set at the last meeting. A Cap of 6 in the UR Zone is proposed, with an option to request an exception through the Planning Commission beyond the cap. Resident STRs are otherwise regulated similar to Full-time STRs.

Discussion: The appropriate cap here is not entirely obvious. Only 1 current STR appears to fit neatly into this STR type, so this cap may sit empty. However as Full-time STRs are capped, there may be more interest in this option. This does address some key STR concerns about community character by ensuring that the home is primarily owner occupied. Staff think failing to cap this could pose a risk of a continued increase in STR use when the City is overall trying to prevent further expansion of STRs in Trinidad.

Occupancy Limits:

The Council's recent direction was to set occupancy at two per bedroom for all STR Licenses in the UR Zone, and to not count the first two children (under 18). This is a change from the current occupancy limit of two per bedroom plus two additional. The '2+2' approach is a common formula used for STR occupancy elsewhere.

Staff sees the rationale for this reduced occupancy rate as twofold

- a) Trinidad has small lots, and lower occupancy in the UR zone will reduce the frequency of impacts to the surrounding neighborhood due to parking, noise, and other nuisance issues, and
- b) This largely commercial STR use is being allowed as a residential use. But typical residential occupancy of homes in Trinidad is less than two per bedroom. It would be very rare for a three bedroom home in Trinidad to have eight long term occupants. Thus limiting STRs to two per bedroom is much more consistent with the typical residential use of these homes, and all that implies for noise, parking, and the like.

STR managers have argued that a) they typically include children in their head count, and tracking occupancy two different ways is not ideal. STR managers have also argued that the more common limit of two per bedroom plus two additional occupants is reasonable and ongoing in many STRs with no complaints over years if not decades, and that the City can reduce occupancy in response to problems, rather than across the board.

The STR Committee recommends:

a) Stay with two per bedroom in the UR zone, except where lot sizes exceed either 10,000 square feet or 8,000 square feet. (Each size cutoff got the support of one of the two Council members on the Committee)

b) Include all individuals in the occupancy count.

Discussion:

Staff agree that relaxing the occupancy limit in the largest UR lot sizes is reasonable, simply because those largest lots should be, in general, more able to accommodate additional occupants without disturbing neighbors. Two maps are included in the packet showing the relative impact of these two size cutoffs (8,000 square feet and 10,000 square feet). There are currently 27 STR licenses in the UR Zone (6 are 'inactive' but valid). An 8,000 square foot cutoff would let 16 of them retain the two additional occupants. A 10,000 square foot cutoff would allow 8 of the 27 to retain two additional occupants beyond two per bedroom.

Staff recommend

Allowing two additional occupants in the UR zone for lots greater than 10,000 square foot. Keeping the prior direction of not counting up to two children towards occupancy. This will lessen the impact of reducing the occupancy of these 19 STRs, at least where the occupants are families with children.

Other Changes:

Fines -- An administrative fines provision has been included largely copied from the City of Pacific Grove. The maximum administrative fine amount of \$1000 for City ordinance violations is set in state law. The City Manager would have discretion, with guidance outlined in that section, to set fines up to that limit.

Dwelling definition --

This definition, combined with the language on 'One STR per Parcel' resulted in confusion and unintended consequences in the current Ordinance. These have been corrected. This definition of Dwelling, in section D, is specific to this STR Ordinance, and because the specific governs the general, staff and the City Attorney do not see a conflict (as asserted at prior meetings) between this language and the old Dwelling Unit definition in the City's General Plan.

CEQA Exemption:

A formal CEQA analysis would be required for the adoption of an ordinance that could result in additional development. However, adoption of an ordinance to further regulate short term rentals will result in additional development. The proposed ordinance is to impose additional standards designed to limit the impacts of STRs in the City of Trinidad. Any new development that occurs after the adoption of this ordinance will be subject to CEQA and all other existing standards in the City's Local Coastal Program. This will ensure that no significant impacts will occur from future development within the City. Therefore, a categorical exception is appropriate.

Since this ordinance will become part of the City's LCP, there is also the Statutory exemption (§15265) for the adoption of local coastal programs by local agencies. Although this exemption states that it shifts the burden of CEQA from the local agency to the Coastal Commission (which has its own certified regulatory program consistent with CEQA requirements (§15250 et seq)), the LCP amendment application submitted to the Coastal Commission must contain sufficient information to enable the Commission to prepare an environmental analysis which satisfies the requirements of CEQA. So even though the City does not have to follow the formal CEQA process such as posting specific notices and sending documents to the State Clearinghouse, an environmental assessment must still be completed prior to certifying the ordinance.

City of Trinidad
Current Summary of Draft Short Term Rental Ordinance
Based on Direction Provided to Staff at Council Meetings through September 14th 2016

The STR Ordinance will replace the existing VDU Ordinance.

STR Types

The current draft ordinance creates three types of Short Term Rentals (STRs), summarized as follows:

Full Time STR. This is the vast majority of existing Trinidad STRs. They may be used year round as a STR.

Resident STR. This allows limited (less than 60 nights per year) STR use of the entire home, and is only available to property owners in their primary residence.

Homeshare STR. This is where a property owner, in their own home, can rent up to one bedroom out as an STR, but the owner must be hosting (i.e. sleeping in their home) during the STR use.

The Table below summarizes key aspects of the current draft Ordinance. The rules vary by the three types of STRs, as indicated in the Table.

ISSUE	ORDINANCE SECTION	CURRENT COUNCIL DIRECTION	NOTES	Apply to all STR Types?
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Treat owner-occupied and/or hosted STRs differently?	D	Yes – There will be three types of STR licenses: 1) Full Time STR 2) Homeshare STR 3) Resident STR	Homeshare and Resident STR only allowed in owner's primary residence. Homeshare requires owner to be present (at night).	NA	
Limit (cap) on number of Full Time STRs?	F	Fixed cap in residential zoning: • UR: cap of 19 (15% of developed lots) • SR: cap of 6 (20% of developed lots) • No cap in other zones	Existing licenses not revoked. Cap to be reached through attrition.	Full Time STRs	
Limit (cap) on number of Resident STRs?	F	STR Committee and Staff recommend a cap of 6 to be issued administratively. Owners can apply to the Planning Commission for an exception over the cap.		Resident STRs	
How do we get from the current number of licenses down to the cap?	I and J	The caps will be reached via attrition. Existing STRs that maintain their license will not be forced out to achieve the cap.	See transferability language below	Full Time STRs And Resident STRs	

ISSUE	ORDINANCE SECTION	CURRENT COUNCIL DIRECTION	NOTES	Apply to all STR Types?
Given a cap - how do we manage a waiting list for permits?	E.6	When an STR license is available in the capped zone(s), the City will randomly select from a formal maintained list of interested parties. The party selected will have a set time to apply for and obtain a license.		Full Time STRs And Resident STRs
Density / buffer restriction	G	In the UR zone, new STR licenses will not be issued to properties where the property boundary adjoins another property with an STR license. This requirement will apply to new STR licenses, but existing STRs will be 'grandfathered' in and allowed to continue as long as their license is maintained.	Property owners affected by this restriction will have the ability to request an exception from the Planning Commission through the Conditional Use Permit process.	Full Time STRs And Resident STRs
How many STR licenses can one individual hold?	H	No new STR licenses will be issued within the UR or SR zones to someone who already has an STR license. HomeShare licenses not counted for this purpose. Does not apply to renewals of existing licenses.	This is a 'one STR license per owner' rule in the SR and UR zones. Existing licenses and owners are grandfathered in.	Full Time STR and Resident STR

ISSUE	ORDINANCE SECTION	CURRENT COUNCIL DIRECTION	NOTES	Apply to all STR Types?
HomeShare STR Details	D and K	<ul style="list-style-type: none"> • Must be owner occupied • Owner must be present to host the guests • Limited to no more than one bedroom of their home. 	Homeshare STRs to be exempt from the cap, buffer, and minimum activity requirements. All other aspects of the Ordinance would apply	HomeShare STRs
Resident STR Details	L	<ul style="list-style-type: none"> • Must be primary residence of owner • Owner need not be present – entire structure can be rented • Limited to a maximum of 59 nights/yr • Subject to separate Resident STR cap • Owners may apply through Planning Commission for an exception to cap 		Resident STR
Minimum or maximum activity required on License?	D and M. 14	<p>Full Time STR: 60 days minimum activity (nights rented) per year.</p> <p>Resident STR: maximum of 59 nights</p> <p>Homeshare STR – no requirement</p>	Rationale is that if we are limiting the number of STRs, we should ensure the licenses that are available are being used.	Full Time and Resident
License Term	E.3	Annual license renewal process. Administrative (staff) approval	Review each year for compliance and complaints	All Types

ISSUE	ORDINANCE SECTION	CURRENT COUNCIL DIRECTION	NOTES	Apply to all STR Types?
Transferability of Permits	J	Not transferable except for specific exceptions for spouse. Property transfer to anyone other than spouse triggers the end of that STR License. New owners can apply for a license.	Reduces the influence of an STR license on property values Key to achieving cap via attrition. Turnover allows more people a chance to have an STR	Yes
Occupancy Limits and Visitor Limits	M.3	<p>Last Council direction: Limit UR occupancy to two per bedroom with up to two children not counted towards occupancy.</p> <p>Current STR Committee Recommendation: Count children Allow 2/bedroom +2 for UR lots over 10,000 square feet. 8,000 square feet also considered as cutoff.</p> <p>Set total number at property (guests plus their temporary visitors) to double the maximum number of guests, with a max of 20.</p> <p>Intended to reduce parking, noise, nuisance issues.</p>	<p>Current occupancy is two guests per bedroom plus two additional.</p> <p>For example, A three bedroom home can now have 8 overnight guests, and up to 20 at a gathering.</p> <p>With this change a 3 bd home could have 6 overnight guests, and 12 at a gathering.</p> <p>More consistent with typical long term residential occupancy</p>	Yes

ISSUE	ORDINANCE SECTION	CURRENT COUNCIL DIRECTION	NOTES	Apply to all STR Types?
Complaint Process*	Q, R	Adopt a formal STR complaint process (outside of the ordinance) based on the model provided and post on the City's website	Ensure transparency Ensure follow-up Ensure all complaints are properly logged and tracked	Yes
Enforcement*	R	<ul style="list-style-type: none"> The definitions for complaints and significant violations are clarified City Manager authority to adopt administrative rules and put problem properties on a watch list Improve the "Good Neighbor Brochure" Require "Guest Registry" Require Responsible Person to sign and acknowledge rules Suggest the City adopt a noise ordinance Provision for Administrative Fines up to \$1000 included 	<p>It is important for the City to enforce STR regulations in order to maintain community compatibility</p> <p>Neighbors have less recourse with STRs (e.g. civil suits) than with long term owners or tenants.</p> <p>Having strong and clear consequences makes bad behavior less likely to occur in the first place</p> <p>Ensure that the rules and consequences are adequately communicated to the occupants</p>	Yes – details TBD.

TRINIDAD CITY HALL
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

DWIGHT MILLER, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2016-03

AN ORDINANCE OF THE CITY OF TRINIDAD **REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND** **AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE** **(REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND** **AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING** **ORDINANCE)**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2016-03, SECTION 1: PREAMBLE

The City of Trinidad (hereinafter City) is a small town with a population of approximately 350 people. Historically, most houses in the City accommodated resident owners or long-term renters. Over the last twenty years there has been an ongoing trend wherein many houses in the City have been converted to Short Term Rentals (STRs).

The effect on the City has been a noticeable change within many residential neighborhoods. In the winter, many houses in the City are vacant as STR's are not rented as often in the winter months. In the summer, STR's are occupied by transient visitors often in higher numbers than a residential home with tourists concerned with their recreation and vacation pursuits but not always displaying an appropriate level of concern for City residents' right to quiet peace and enjoyment of neighboring property.

By this new STR Ordinance, the City attempts to find an appropriate balance between the interests of the City residents, property owners, STRs owners, commerce in the City, and visitors enjoying the City and the coast. In considering these issues the City Council has made the following findings and determinations after long and careful study of the issues:

* The proportion of homes in the City being used primarily as vacation rentals or STRs has risen from approximately 5 percent of the total dwelling units in the City in 2000 to approximately 18 percent in 2014.

* Short Term Rentals in Trinidad provide significant lodging opportunities for visitors and tourists, who are economically important to the retail businesses and restaurants in Trinidad.

* Transient Occupancy Tax from STRs is a significant annual component of the City's General Fund income.

* Given the City's small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

* STRs have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, City population, the availability of citizens to participate in the community, and the quality of life in the City for both residents and tourists.

* City residents have raised concern over the impacts caused by STR's and the increased number of homes becoming STR's, and called on the City to find a balance between residential and vacation rental uses.

* A City Ordinance regulating some aspects of STRs went into effect in 2015, but did not address the overall number of vacation rentals in the City.

*The California Coastal Commission (Commission) has oversight of City STR regulations, therefore understanding the Commission's guidance and decisions on these issues is a prudent place to start. The Commission has established that:

STRs are an allowable use in Residential Zoning,
STRs serve a benefit to the Coastal Act's goals by providing coastal lodging,
Cities do have legitimate reasons to regulate STRs.
Attempts to ban STRs outright have been overruled based on impacts to visitor lodging opportunities.
Limits on the number or proportion of homes used as STRs have been upheld, along with reasonable regulations to address potential nuisance impacts.

* California state law and the City of Trinidad General Plan require the City to maintain a mix of affordability in its residential housing stock, but affordability and accessibility of housing for long-term residents is negatively affected by STRs. Prospective buyers interested in living in Trinidad are competing with buyers interested in the home as primarily an STR investment property.

* Engaged citizens who live in a community are the basic fabric that makes up a community, and too high of a tourist to resident ratio in our residential neighborhoods can dramatically alter the health and welfare of the City and its residents.

* At the City Council's direction, the Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

* A cap on the number of STR's allowed in Residential Zones is an appropriate tool to set a balance between the benefits and impacts of Short Term Rentals.

* Regulating the transferability of STR licenses will reduce their impact on real estate prices, and it will help achieve the City's desired balance between STRs and long term residents

* By establishing standards for visitor behavior and occupancy, the City will mitigate the potential conflict between tourists who want to enjoy their vacations and nearby residents who have a right to the peaceful use and enjoyment of their homes.

* Standards for health and safety will ensure appropriate facilities for tourists.

* Standards for visitor behavior, water use, and occupancy will help the City protect the sensitive coastal resources and environment of Trinidad.

ORDINANCE 2016-03, SECTION 2:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Short Term Rental Ordinance," which shall read as follows:

Section 17.56.180 (6.26) Regulations for Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Findings
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Definitions
17.56.190 (6.26).E	Application Requirements
17.56.190 (6.26).F	Maximum Number of Short Term Rentals
17.56.190 (6.26).G	Location
17.56.190 (6.26).H	One STR License Per Owner
17.56.190 (6.26).I	Effect on Existing STRs
17.56.190 (6.26).J	License Transferability
17.56.190 (6.26).K	Homeshare STR Licenses
17.56.190 (6.26).L	Resident STR Licenses
17.56.190 (6.26).M	STR Standards
17.56.190 (6.26).N	Tourist Occupancy Tax
17.56.190 (6.26).O	Audit and Inspection
17.56.190 (6.26).P	Dispute Resolution
17.56.190 (6.26).Q	Administrative Standards and Rules
17.56.190 (6.26).R	Violations
17.56.190 (6.26).S	Ordinance Review
17.56.190 (6.26).T	Severability

17.56.190 (6.26).A Short Title

This Section shall be known and may be cited as "City of Trinidad Short Term Rental (STR) Ordinance."

17.56.190 (6.26).B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents' concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this Ordinance, including its nontransferability provisions, to be a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190 (6.26).C Purpose

The purpose of this chapter is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of Short Term Rentals (STRs) on surrounding residential neighborhoods; to preserve the character of neighborhoods in which any such use occurs; to ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; and to ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

17.56.190 (6.26).D Definitions

1. City Manager

"City Manager" means the City Manager of the City of Trinidad or their designee.

2. Dwelling.

"Dwelling" means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

3. Event

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

4. Existing STR

"Existing STR" means an STR that had a valid STR license as of the effective date of this ordinance.

5. Full-time STR

"Full-time STR" means any STR that is not a Homeshare STR or Resident STR.

6. Good Neighbor Contract & Good Neighbor Brochure

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

7. Homeshare STR

"Homeshare STR" means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR.

8. Occupant

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein.

9. Primary Residence

"Primary Residence" means the dwelling where the homeowner lives more than 50% of the year, and which is documented through the property deed, government issued identification or voter registration; a person can only have one primary residence at any time.

10. Resident STR

"Resident STR" means a Short Term Rental that is operated less than 60 nights per year and which is the owner's primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

11. Responsible Person

"Responsible Person" means an occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

12. Short Term Rental (STR)

"Short Term Rental" (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

13. STR Watch List

"STR Watch List" means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

14. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

15. Visitor.

"Visitor" means someone staying temporarily at a STR, such as guests of occupants, but that is not an "occupant" and not staying at the STR overnight.

17.56.190 (6.26).E Application Requirements

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the building official. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulation. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City's website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact Information

a. Local Contact Person (LCP).

Each STR must designate a Local Contact Person on the STR License form. That person may be the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-Hour Contact Phone Number.

A 24-hour Contact Phone Number is required for each STR. The 24-hour Contact Phone Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour Contact Phone Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.

The name of the LCP and 24-hour Contact Phone Number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the LCP is not forthcoming. If there is an emergency or complaint, and the LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with a STR.

3. STR License Renewals

STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to §17.56.190.R.4 (*Revocation*) or 17.56.190.M.14 (*Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (*License Transferability*) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance to this section shall be appealable per section 17.72.100 except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D, fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. Application Wait List & Lottery

It is the City's intention to maintain no more than 19 Full-time STR Licenses and 6 Resident STR Licenses in the UR Zone and 6 Full-time STR Licenses in the SR Zone. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License.

The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190 (6.26).F Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, no new Full-time STR licenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 Resident STR Licenses shall be allowed in the UR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 of the Zoning Ordinance.

17.56.190 (6.26).G Location

STR's are permitted only in legally established dwellings within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

17.56.190 (6.26).H One STR License Per Owner

No new STR license shall be issued for a property in the UR or SR Zone if the owner already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F and no one else on the wait lists. This limitation shall not apply to renewals of existing STR licenses.

17.56.190 (6.26).I Effect on Existing STRs

Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G, shall be allowed to continue to operate under an STR license as long as the permit is renewed in accordance with §17.56.190.E.3 unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (*Violations*) or 17.56.190.M.14 (*Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (*License Transferability*).

17.56.190 (6.26). J. License Transferability

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of

the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the transient rental permit held by the transferor shall be revoked.

17.56.190 (6.26).K Homeshare STR Licenses

Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).F Maximum Number of Short Term Rentals
- 17.56.190 (6.26).G Location
- 17.56.190 (6.26).H One STR License Per Owner
- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).L Resident STR Licenses

Resident STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).M STR Standards

All STRs will be required to meet the following standards:

1. Transmittal of Rules and Good Neighbor Contract

Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of Occupants.

The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the Suburban Residential Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-Street Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26).M.3. The off-street parking space/s shall be entirely on the STR property. STR owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit of file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. Septic System.

Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum Activity.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).N Tourist Occupancy Tax

The letting, leasing, or other contractual use of an STR is subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).O Audit & Inspection

Each owner and agent or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours with at least 24 hour notice, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).P Dispute Resolution

By accepting an STR License, STR owners agree to engage in mediation and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).Q Administrative Standards and Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.

17.56.190 (6.26).R Violations

1. Penalty

It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement

action pursuant to Chapter 8.12 of the Municipal Code. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

- (a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section or ordinance in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.
- (b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:
 - (i) The duration of the violation;
 - (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
 - (iii) The seriousness of the violation;
 - (iv) The effect the violation may have upon adjoining properties;
 - (v) The good faith efforts of the violator to come into compliance;
 - (vi) The economic impact of the penalty on the violator; and/or
 - (vii) The impact of the violation on the community.
- (c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations, repeated violations, failures to promptly correct violations, or deliberate violations of this Section.

3 Property Watch List

Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4. Revocation

If the STR owner or property manager is deemed by City staff to be negligent in responding to an complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Determinations on violations, penalties and fines may be appealed to the City Council.

6. Significant Violations

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable or unwilling to rectify the situation within 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood. Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach a contact person.

- (iii) Failure to maintain or provide the required guest registry.
- (iv) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H.
- (v) Failure to notify City staff when the contact person or contact information changes.
- (vi) Failure to pay fees or TOT in accordance with this Section.
- (vii) Providing false or misleading information on an STR License application or other documentation as required by this Section.
- (viii) Violations of state or County, or City health regulations
- (ix) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False Reports and Complaints

It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

17.56.190 (6.26).S Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).T Severability

Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ORDINANCE 2016-##, SECTION 3:

Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

17.56.060 Home occupations

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, rooming and boarding, of not more than two persons, including tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:...

TRINIDAD CITY HALL
MILLER, MAYOR
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

————— DWIGHT
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2016-03##

AN ORDINANCE OF THE CITY OF TRINIDAD REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2016-03#, SECTION 1: FindingsPREAMBLE

The City of Trinidad (hereinafter City) is a small town with a population of approximately 350 people. Historically, most houses in the City accommodated resident owners or long-term renters. Over the last twenty years there has been an ongoing trend wherein many houses in the City have been converted to Short Term Rentals (STRs).

The effect on the City has been a noticeable change within many residential neighborhoods. In the winter, many houses in the City are vacant as STR's are not rented as often in the winter months. In the summer, STR's are occupied by transient visitors often in higher numbers than a residential home with tourists concerned with their recreation and vacation pursuits but not always displaying an appropriate level of concern for City residents' right to quiet peace and enjoyment of neighboring property.

STR use is essentially commercial activity that occurs within residential homes and neighborhoods, and has the potential to negatively impact the City and its residents. By this new STR Ordinance, the City attempts to find an appropriate balance between the interests of the City residents, property owners, City, its residents, STRs owners, commerce in the City, and visitors enjoying the City and the coast. In considering these issues (The City Council has made the following findings and determinations after long and careful study of the issues.

* There has been a significant increase in the number of short-term vacation rentals in the City over the past 15 years.

* The proportion of homes in the City being used primarily as vacation rentals or STRs has risen from approximately 5 percent of the total dwelling units in the City in 2000 to approximately 18 percent in 2014.

* Short Term Rentals in Trinidad provide significant lodging opportunities for visitors and tourists, who are economically important to the retail businesses and restaurants in Trinidad.

*Transient Occupancy Tax from STRs is a significant annual component of the City's General Fund income.

* Given the City's small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

*Given the City's small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

* VacationSTRs rentals have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, City population, the availability of citizens to participate in the community, and the quality of life in the City for both residents and tourists.

* A City Ordinance regulating some aspects of vacation rentals went into effect in 2015, but the Ordinance did not address the overall number of vacation rentals in the City.

* An increasing number of City residents have raised concern over the impacts caused by STR's and the increased number of homes becoming STR's, and These residents have called on the City to find a balance between residential and vacation rental uses.

* A City Ordinance regulating some aspects of STRs went into effect in 2015, but did not address the overall number of vacation rentals in the City.

*The California Coastal Commission (Commission) has oversight of City STR regulations, therefore understanding the Commission's guidance and decisions on these issues is a prudent place to start. The Commission has established that:

STRs are an allowable use in Residential Zoning.

STRs serve a benefit to the Coastal Act's goals by providing coastal lodging.

Cities do have legitimate reasons to regulate STRs.

Attempts to ban STRs outright have been overruled based on impacts to visitor lodging opportunities.

Limits on the number or proportion of homes used as STRs have been upheld, along with reasonable regulations to address potential nuisance impacts.

* As the percentage of STR's in the City has risen, fewer neighbors are present except as temporary inhabitants during the tourist season, affecting neighborhood security and social interactions. There are fewer people to observe and report crime. Residents with STRs as neighbors lose opportunities for normal neighbor relationships and mutual assistance, for example the ability to ask your neighbor to take in your paper and keep an eye on your home during a vacation, borrow household items, or provide assistance in an accident or emergency.

* Engaged citizens are the basic fabric that makes up a community and too high of a tourist to resident ratio can dramatically alter the health and welfare of the City and its residents.

* The City often cannot find residents who will volunteer for service with the Fire Department, the City Council or the Planning Commission and a further reduction in residents will exacerbate the problem.

* Fewer residents mean fewer families with children in Trinidad Elementary School, and parents to serve on the School Board.

* Fewer residents means fewer citizens to serve in community organizations like the Lions Club, Civic Club, Museum Society, Trinidad Coastal Land Trust, and Friends of the Library.

* California state law and the City of Trinidad General Plan require the City to maintain a mix of affordability in its residential housing stock, but affordability and accessibility of housing for long-term residents is negatively affected by STRs. Prospective The demand for STR accommodation in Trinidad can affect residential housing prices as buyers interested in living in Trinidad are competing with buyers interested in the home as primarily an STR investment property.

* Engaged citizens who live in a community are the basic fabric that makes up a community, and too high of a tourist to resident ratio in our residential neighborhoods can dramatically alter the health and welfare of the City and its residents.

* At the City Council's direction, the Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

* A cap on the total number of STR's allowed in Residential Zones willis an appropriate tool to set a balance between the benefits and impacts of Short Term Rentals. help mitigate the potential nuisance problems that can come with individual STRs, and will prevent further growth of STRs with the negative impacts that can have on community character, population, and residential housing availability.

* By rRegulating the transferability of STR licenses will reduce their impact on - STRs are less likely to influence real estate prices, and it will be help easier to achieve the City's desired balance between STRs and long term residents.

* By establishing standards for visitor behavior and occupancy, the City will mitigate the inherent potential conflict between tourists who want to enjoy their vacations and nearby residents who have a right to the peaceful use and enjoyment of their homes.

* Standards for health and safety will ensure appropriate facilities for tourists.

* Standards for visitor behavior, water use, and occupancy will help the City protect the sensitive coastal resources and environment of Trinidad.

*The Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

ORDINANCE 2016-03#, SECTION 21:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Short Term Rental Ordinance," which shall read as follows:

Section 17.56.180 (6.26) Regulations for Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26) B	Findings
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Definitions
17.56.190 (6.26).ED	Application Requirements
17.56.190 (6.26).F	Maximum Number of Short Term Rentals
17.56.190 (6.26).GF	Location
17.56.190 (6.26).H	One STR License Per Owner
17.56.190 (6.26).IE	Effect on Existing Vacation Dwelling Units STRs
17.56.190 (6.26).G	Non-Permitted Uses
17.56.190 (6.26).J	License Transferability
17.56.190 (6.26).K	Homeshare STR Licenses
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17.56.190 (6.26).A Short Title.

This Section shall be known and may be cited as "City of Trinidad Short Term Rental (STR) Ordinance."

17.56.190 (6.26).B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents' concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this Ordinance, including its nontransferability provisions, to be a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190 (6.26).C Purpose.

The purpose of this chapter is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of Short Term Rentals (STRs) on surrounding residential neighborhoods; to preserve the character of neighborhoods in which any such use occurs; to ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; and to ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

The purpose of this Section is to provide for the renting dwelling units, or portions thereof, for periods of less than thirty consecutive days, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that Short Term Rentals are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.56.190 (6.26).D Definitions.

1. City Manager

"City Manager" means the City Manager of the City of Trinidad or their designee.

24. Dwelling.

"Dwelling" means aA single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

32. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

43. Existing STR.

"Existing STR" means an STR that had a valid VDU-STR license as of the effective date of this ordinance.

5. Full-time STR

"Full-time STR" means any STR that is not a Homeshare STR or Resident STR.

64. Good Neighbor Contract & Good Neighbor Brochure.

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

75. Homeshare STR

"Homeshare STR" means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR.

86. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. ~~As used in this Section, "occupant" does not include up to two children aged 125 or under.~~

97. Primary Residence

"Primary Residence" means the dwelling where the homeowner lives more than 50% of the year, and which is documented through the property deed, government issued identification, or voter registration; a person can only have one primary residence at any time.

10. Primary Residentee STR

"Primary Residentee STR" means an Short Term Rental that is operated less than 60 nights per year and which is the owner's primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

119. Responsible Person.

"Responsible Person" means an occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

120. Short Term Rental (STR)

"Short Term Rental" (STR) means a rental of any dwelling-unit, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast (2) ongoing month-to-month tenancy granted to the same renter for the same unit/dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

131. STR Watch List

"STR Watch List" means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

142. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

153. Visitor.

"Visitor" means someone staying temporarily at a STR, such as guests of occupants, but that is not an "occupant" and not staying at the STR overnight.

17.56.190 (6.26).E Application Requirements.

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the building official. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulation. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.
- ~~e. An initial STR License Fee, as set by resolution of the City Council, will be charged for the first year of each STR's operation.~~
- ~~ef. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice may shall be combined with the distribution of contact information required 24-hour Contact Phone Number notice required in subsection 32.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City's website.~~
- ~~fg. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.~~

2. Contact Information.

- a. Local Contact Person (LCP).

Each STR must designate a Local Contact Person on the STR License form. That person may be the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-Hour Contact Phone Number.

A 24-hour Contact Phone Number is required for each STR. The 24-hour Contact Phone Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour Contact Phone Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.

The name of the LCP and 24-hour Contact Phone Number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the ~~24-hour Contact Phone Number~~ LCP is not forthcoming. If there is an emergency or complaint, and the LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with a STR.

3. STR License Renewals.

STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not ~~had~~ an initial inspection as required by §17.56.190.ED.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to §17.56.190.R.4L (~~violations~~ Revocation) or 17.56.190.MH.142 (~~license minimum activity requirement~~) or until the STR license expires pursuant to 17.56.190.JD.3 (~~property license transferability~~) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance to this section shall be appealable per section 17.72.100 except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D, fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

64. Application Wait List & Lottery

It is the City's intention to maintain no more than 19 Full-time STR Licenses and 6 Resident STR Licenses in the UR Zone and 6 Full-time STR Licenses in the SR Zone. When an STR license becomes available within one of those limits zones, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of

property owners who are interested in obtaining an STR License for their dwelling unit. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G) ~~UR zone buffer restriction, if applicable,~~ that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. ~~If the property does not meet the UR zone buffer restriction, or if the person so selected the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards,~~ the City will draw another name from the waiting list for that zone and STR type.

17.56.190 (6.26).F Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, ~~the total number of no new Full-time STR licenses shall be issued by the City pursuant to this Section shall not exceed if the total number of Full-time STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 ## Primary Residence Resident STR Licenses shall be allowed in the UR Zone and ## in the SR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 of the Zoning Ordinance.~~

17.56.190 (6.26).GH Location.

STR's are permitted only in legally established dwelling units within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72-#### of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

17.56.190 (6.26).HK One STR License Per Owner

No new STR license shall be issued ~~for~~ a property in the UR or SR Zone ~~if the owner who already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F~~ ~~re is room under the caps and no one else on the wait lists. This subsection limitation shall not apply to renewals of existing VDU or STR licenses.~~

17.56.190 (6.26).IG Effect on Existing STRs Vacation Dwelling Units.

Existing STRs, in excess of the number allowed in §17.56.190.FE, or that do not meet the minimum distance between STRs in the UR zone as required by location requirements of §17.56.190.G, that hold a valid STR license issued by the City, shall be allowed to continue to operate under that ~~an~~ STR license as long as the permit is renewed in accordance with §17.56.190.ED.32 unless or until such time as the permit is revoked pursuant to §17.56.190.R.4L (Violations) or 17.56.190.MH.142 (Minimum license ~~Activity requirement~~) or until the STR license expires pursuant to 17.56.190.JD.3 (property License ~~Transferability~~).

17.56.190 (6.26).I Non-Permitted Uses.

No additional occupancy of the dwelling (with the exception of the property owner and private, non-paying guests) shall occur. An STR shall only be used for the purposes of occupancy as an STR or as a full-time occupied unit. No other use (e.g. home occupation, temporary event, homestay, etc.) shall be allowed on the site.

17.56.190 (6.26).JJ License Transferability.

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the transient rental permit held by the transferor shall be revoked.

17.56.190 (6.26).KL Homeshare STR Licenses

Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).F Maximum Number of Short Term Rentals
- 17.56.190 (6.26).GH Location
- 17.56.190 (6.26).HK One STR License Per Owner
- 17.56.190 (6.26).ML.142 Minimum Activity

17.56.190 (6.26).L Primary-Residentee STR Licenses

Primary-Residentee- STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).M STR Standards

All STRs will be required to meet the following standards:

1. Transmittal of Rules and Good Neighbor Contract

Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of Occupants.

The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have ~~four~~six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the Suburban Residential Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-Street Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26) M.3H.4. The off-street parking space/s shall be entirely on the STR property. STR owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. Septic System.

Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum Activity.

~~A Full-time n-STR that is not a homeshare or primary residence~~ shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).N Tourist Occupancy Tax.

The letting, leasing, or other contractual use of an STR is subject to a ~~Tourist~~ Tourist-Transient Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).O Audit & Inspection

Each owner and agent or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours with at least 24 hour notice, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).P Dispute Resolution.

By accepting an STR License, STR owners agree to engage in ~~dispute resolution~~ mediation and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).Q Administrative Standards and Rules

16. Administrative Standards and Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this ~~Chapter~~ Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.

17.56.190 (6.26).RQ Violations

1. Penalty

It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the Municipal Code. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

(a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section or ordinance in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.

(b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:

- (i) The duration of the violation;
- (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
- (iii) The seriousness of the violation;
- (iv) The effect the violation may have upon adjoining properties;
- (v) The good faith efforts of the violator to come into compliance;
- (vi) The economic impact of the penalty on the violator; and/or
- (vii) The impact of the violation on the community.

(c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations, repeated violations, failures to promptly correct violations, or deliberate violations of this Section.

3 Property Watch List

~~Notwithstanding the provisions of Subsection (##) above,~~ Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4. Revocation

If the STR owner or property manager is deemed by City staff to be negligent in responding to an complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Determinations on violations, penalties and fines may be appealed to the City Council.

65. Significant Violations

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable to ~~or~~ unwilling to rectify the situation within a ~~timely manner~~ 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood. Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within a ~~timely manner~~ 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach a contact person.
- ~~(iii)~~ Failure to maintain or provide the required guest registry.
- ~~(iv)~~ Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H.
- (iv) Failure to notify City staff when the contact person or contact information changes.
- (v) Failure to pay fees or TOT in accordance with this Section.
- (vi) Providing false or misleading information on an STR License application or other documentation as required by this Section.
- (vii) Violations of state or County, or City health regulations
- ~~(viii)~~ Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

76. False Reports and Complaints

It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

17.56.190 (6.26).SR Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).TS Severability

Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ORDINANCE 2016-##, SECTION 32:





Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

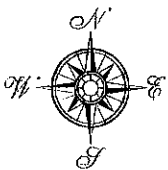
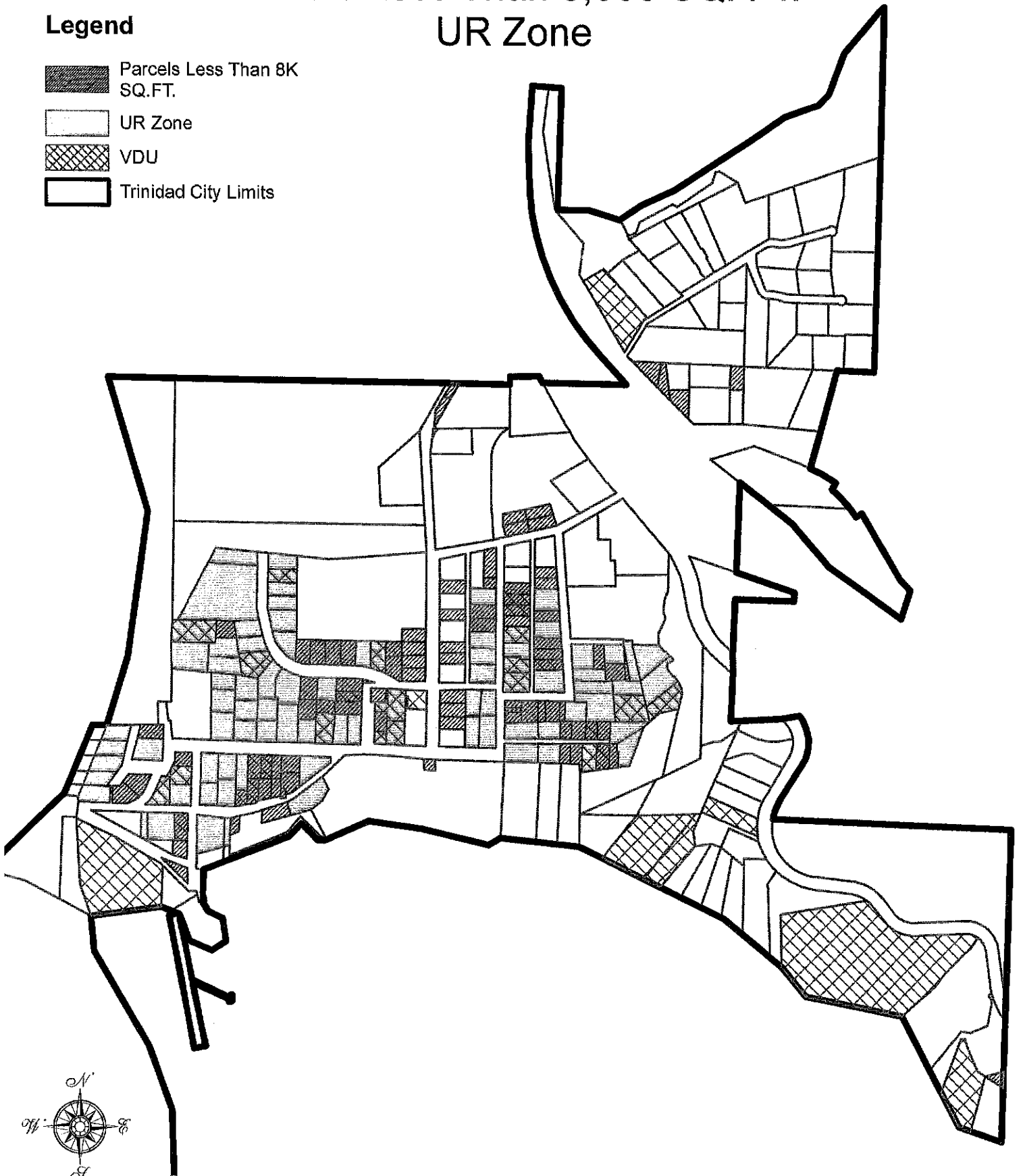
17.56.060 Home occupations.

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, ~~rooming and boarding, of not more than two persons, including~~ tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:...

Parcels Less Than 8,000 SQ. FT. UR Zone

Legend

-  Parcels Less Than 8K SQ.FT.
-  UR Zone
-  VDU
-  Trinidad City Limits



www.trinidad.ca.gov

0 300 600 1,200







1" = 600 feet

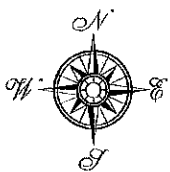
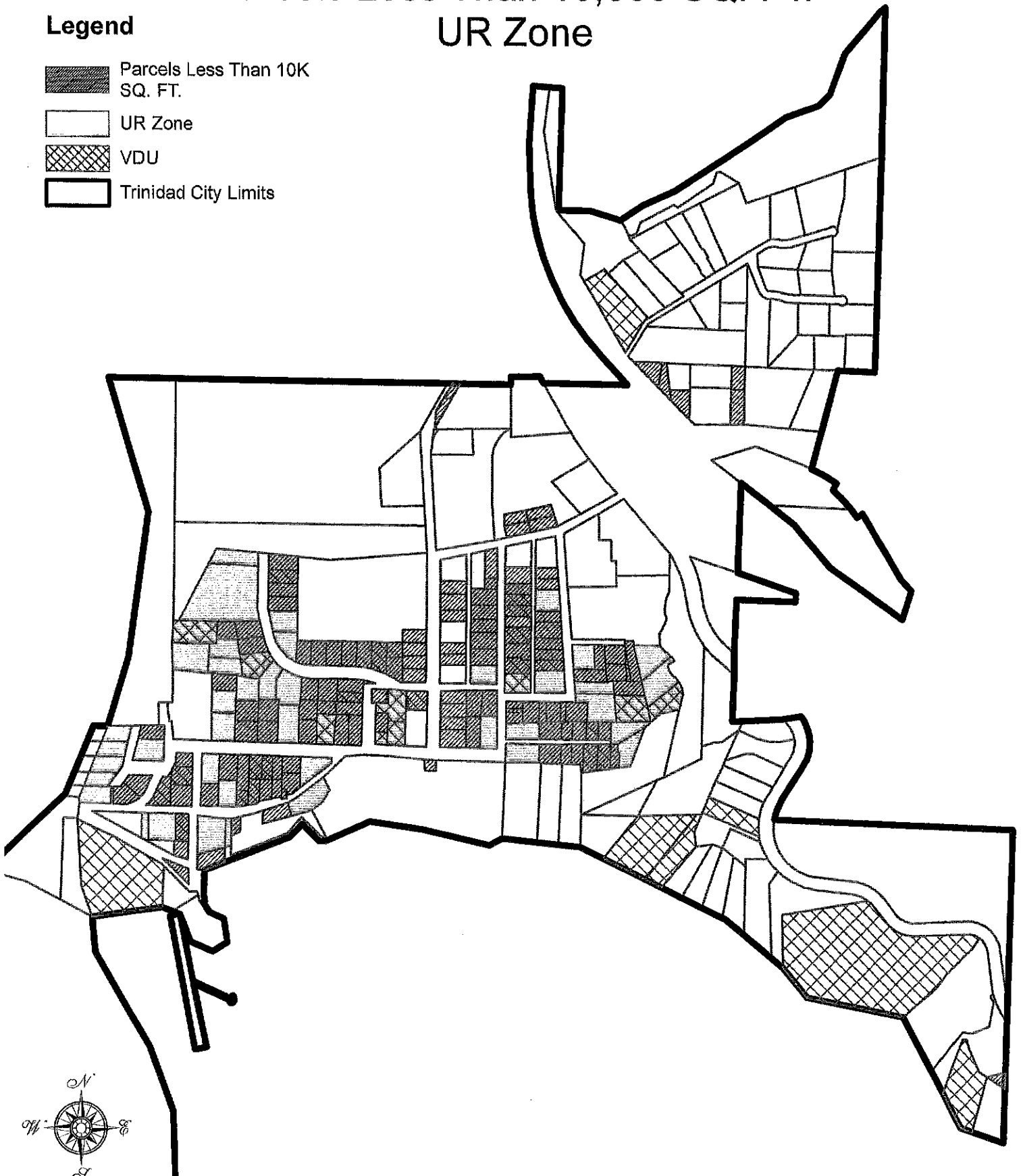
Streamline
Planning Consultants

10/05/2016

Parcels Less Than 10,000 SQ. FT. UR Zone

Legend

-  Parcels Less Than 10K SQ. FT.
-  UR Zone
-  VDU
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0 300 600 1,200



1" = 600 feet





DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

4. Discussion/Decision regarding Ordinance updates and priorities.

ACTION AGENDA ITEM

Date: October 17th, 2016

Item: **CITY ORDINANCE UPDATES - Discussion and Prioritization**

Background:

There are a number of the City's existing Ordinances that may warrant updates, and new Ordinances are needed in a number of areas. This item is intended to be an initial discussion.

Noise Ordinance – The City does not have a noise ordinance. This has come up repeatedly in the Short Term Rental Ordinance discussions, and the Planning Commission and Council have indicated their support for putting such an ordinance into place soon. Many examples are in place from other Cities.

Fines Ordinance – The City does not have a Fines Ordinance. With some specific exceptions, the current City Codes addresses violations in two ways: through the formal nuisance abatement process, and by categorization as misdemeanors. Nuisance abatement is a lengthy process that requires action by the Council in each specific case. Misdemeanors are essentially criminal code and require law enforcement officers and the courts to be effective. Many cities have a Fines Ordinance that provides the ability for City staff to issue administrative fines. There would be an appeal process through the City, and ultimately through the courts, for people to challenge such fines.

Procurement Ordinance. The City does not have an ordinance governing procurement. We are of course subject to state and federal law regarding contracting, bidding, and prevailing wage. Most cities have an ordinance in place outlining the procurement process. This would help ensure that expenditures of public funds are done fairly, openly, and consistently. This would also be the place to formalize thresholds for when expenditures trigger different processes, and which staff need to approve expenditures. For instance, a common approach is one where minor expenses below some set dollar amount don't require bidding, intermediate expenditures require informal cost quotes from at least three parties, while the largest expenditures would require formal newspaper advertising for sealed bids. The City of Blue Lake is in the same situation and we are discussing how to most efficiently adapt existing functioning ordinances to meet our needs. .

Fireworks Ordinance. The City has an ordinance banning fireworks on beaches in the City. Some Cities ban the sale of fireworks, others ban all use. Staff's main observation is that the type of fireworks activity that regularly leads to complaints is already illegal – large mortar type fireworks, set off late at night. The challenge is catching the culprits.

Drones Ordinance: This is a new area of regulation for Cities. Relatively inexpensive drones with cameras are widely available and have the potential to be an invasion of privacy depending on how they are used. Some CA cities have begun implementing Ordinances, but drones are primarily regulated under the Federal Aviation Administration. Some Cities have attempted to regulate where they can land and take off, as City jurisdiction of drones in the air is apparently very limited. The League of Cities is recommending that Cities wait for clearer federal guidance before attempting to wade in. Staff can continue to track this issue as it evolves around the State.

Ordinances and Municipal Code –

The Municipal Code online was last updated in 2012 and includes a number of inconsistencies due to post-codification ordinance changes. Staff is currently indexing and archiving all post-2012 ordinances, uploading them on the city's website, and submitting them to the Codifiers by the end of the year to bring the online code up to date.

Recommended Action:

Provide direction to staff and City Attorney on priorities for new and revised Ordinances.

Staff sees the Noise Ordinance and the Procurement Ordinance (with associated policies, guides, and templates) as the highest priorities for the City.

Staff recommends we collaborate with other local cities, the League of CA Cities, and the Institute for Local Governance (ILG) to find and adapt effective and tested ordinances already in use elsewhere.